For Reference
Not to be taken from this room

TOWN OF WAYLAND

WARRANT

With Report of the Finance Committee

2006 ANNUAL TOWN MEETING

Thursday, April 27, 2006 7:30 P.M.
Wayland High School Field House

2006 SPECIAL TOWN MEETING

Wednesday, May 3, 2006 7:30 P.M.
Wayland High School Field House

ANNUAL TOWN ELECTION

Tuesday, April 25, 2006

Precincts 1 and 4	**Town Building Gymnasium**
Precincts 2 and 3	**Wayland Middle School Gymnasium**

VOTING HOURS: 7:00 A.M. to 8:00 P.M.

www.wayland.ma.us

NOTICE

The Town of Wayland does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. Wayland does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 (ADA).

Questions, concerns, complaints, or requests for additional information regarding the ADA may be forwarded to Wayland's designated ADA Compliance Coordinator.

Name:	John Senchyshyn
Title:	Human Resources Director/Assistant Town Administrator
Office Address:	41 Cochituate Road, Wayland MA 01778
Phone Number:	(508) 358-3623
Fax Number:	(508) 358-3627
TDD:	(508) 358-0194 or 911
Days/Hours Available:	Tuesday-Friday, 8:00 a.m. to 4:00 p.m. Monday, 8:00 a.m. to 7:00 p.m.

Individuals who need auxiliary aids for effective communication in programs and services of Wayland are invited to make their needs and preferences known to the ADA Compliance Coordinator.
A minimum of fourteen days' notice is required.

This notice is available in large print and on audio tape from the ADA Compliance Coordinator.

TOWN OF WAYLAND

2006 ANNUAL AND SPECIAL TOWN MEETING WARRANT

With Report of the Finance Committee

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ADJOURNED MEETINGS

It is anticipated that if adjourned meetings are necessary to complete action on these warrants, they will be held on the following dates, subject to Town Meeting approval:

May 1 - Monday
May 3 - Wednesday
May 4 - Thursday

and thereafter, as may be necessary, on Mondays, Wednesdays, and Thursdays as Town Meeting directs.

If you have any questions about the Articles, please attend **the Warrant Hearing on Tuesday, April 18, 2006, at 8:00 P.M.** at the Town Building. You may also call the Town Administrator's office at (508) 358-3621 before Town Meeting.

NOTICE REGARDING MOTIONS

This warrant for Wayland Town Meeting is issued by the Board of Selectmen and is served upon all residents by mail and by posting at the Town Building, the Wayland Public Library, the Cochituate Fire Station or the Cochituate Post Office, and at Happy Hollow School. It contains the agenda of subjects to be acted upon; i.e., the articles.

By state law, no action at the Town meeting is valid unless the subject matter is contained in the warrant. This requirement means only that the subjects to be acted upon must be sufficiently stated in the warrant to apprise voters of the nature of the matters with which the meeting is authorized to deal. It does not require that the warrant contain an accurate forecast of the precise action that the meeting will take upon those subjects. A valid motion at Town meeting may differ from the underlying article, but it must be within the scope of that article.

If you are in doubt about the action Town meeting might take under an article, you should plan to attend the Town meeting.

NOTICES

The **Wastewater Management District Commission** will hold a hearing on April 27, 2006, at 7:00 p.m. at the Wayland High School Field House. The hearing is being held pursuant to the requirements of Chapter 461 of the Acts of 1996, Section 7(f). The hearing will present information relative to the capital budget and program. There will also be a meeting immediately afterward pursuant to the requirements of Section 7(a) of said Chapter 461. The second hearing will present information relative to fees, rates and charges.

TOWN MEETING PROCEDURES

Town Meeting functions best when all voters are familiar with its rules of procedure. A summary of those rules appears in the document, "The Moderator's Rules and Regulations Governing Wayland's Town Meetings" prepared by the Moderator and included as part of this warrant booklet (Appendix A).

QUANTUM OF VOTE

The quantum of vote is specified in the warrant for each article.

For those articles involving appropriations which are anticipated to be provided by taxation or from available funds or transferred funds previously appropriated for another purpose, a majority quantum of vote is indicated. For articles which are anticipated to be funded by borrowing, a two-thirds quantum of vote is indicated.

Certain articles request the action of Town Meeting under its general legislative powers (i.e., to hear and accept reports, to appoint a committee, to adopt a resolution or "sense of the meeting" vote, etc.), and in such cases no particular statute is referenced. Town Counsel has advised that, as a matter of common law precedent in Massachusetts, such matters are decided by a majority vote.

NO SMOKING NOTICE

Voters are reminded that there is no smoking permitted on school grounds.

REPORT OF THE FINANCE COMMITTEE

To the Residents of Wayland:

The Finance Committee is pleased to present the Report of the Finance Committee and the FY2007 operating and capital budget recommendations. Wayland, like other peer communities in Massachusetts, confronts financial challenges caused primarily by rising healthcare premiums for current and retired employees, state mandated pension contributions, state mandated special education costs, and utility expenses.

The continued cumulative effect of declines in state funding coupled with higher expenses noted above require that the Finance Committee submit the FY2007 operating budget with a $2.1 million override. The Finance Committee believes this override is necessary to maintain essential school and municipal services. Nevertheless, it is important to note that the proposed operating budget includes staff and service reductions. Without the override, the town would be forced to incur additional lay-offs, significantly impacting police, fire and school operations. All other departments would experience increased diminishment of services, including reduced hours of operation and personnel cuts. This report will highlight some of the challenges facing the town in balancing the operating budget under the constraints of Proposition 2½.

The report will also describe the Finance Committee's role as defined in the Code of the Town of Wayland as well as our mission statement and financial strategy. Additionally, it details the budget process, reviews revenues and expenses for the upcoming fiscal year (FY2007) and presents a 5-year capital plan. FY2007 non-operating budget expenses, capital requests and changes to free cash reserves are also depicted. The report discusses the Town Center Development, the "Raytheon" abatement and lists budget cuts needed if the override ballot vote were to fail. The report concludes with a discussion of actions needed to balance the budget without annual overrides in FY2008 through FY2010.

THE COMMITTEE

The Wayland Finance Committee is comprised of seven residents who are appointed by the Board of Selectmen. The members' three year terms are staggered which has allowed for a mix of new and more experienced members. Meetings are normally convened on Monday evenings. Prior notice is posted on the Town Building bulletin board and web site. Our meetings are open to the public and include a public comment period. Residents wishing to offer public comment or to observe are welcome.

ROLE

The Code of the Town of Wayland charges the Finance Committee with two primary responsibilities. The Committee is required to prepare and present the Omnibus Budget (the Town's operating and capital budget), which appears as an article in the Annual Town Meeting Warrant. The Committee is also responsible for review and comment on articles submitted for inclusion in the Warrant.

MISSION STATEMENT

The mission of the Wayland Finance Committee is to define a financial strategy for the Town and to use this strategy as the basis for recommending to the Town a fiscally responsible operating and capital-spending plan. The Finance Committee seeks to balance the demand for services against the ability of residents with a broad range of financial situations to afford these services.

FINANCIAL STRATEGY

The Finance Committee's strategy is to recommend the following: 1) maintenance of quality Town services supplied by an efficient workforce, 2) continued infrastructure investment via a capital spending plan, and 3) preservation of Free Cash.

BUDGET PROCESS

In the spring of 2005, the Finance Committee and the Selectmen formed the FY2007 Ad Hoc Budget Advisory Committee (Ad Hoc). Ad Hoc's role was to identify savings and/or revenue enhancements to reduce an expected FY2007 budget shortfall. The School Committee was invited to join the effort. The three voting members were the chairs of the Selectmen, Finance and School Committees. The Town Administer, Assistant Town Administrator, the Finance Director and the School Superintendent assisted as ex officio members.

The Ad Hoc identified over forty cost savings initiatives. These initiatives were researched by ex officio members and town staff during the summer and fall. Significant items discussed included:

- reopening the final year of the FY2005-FY2007 contract for salaries and fringe benefits,
- researching options to membership in the Middlesex County Retirement System,
- reviewing medical insurance options for current and retired employees,
- energy audits,
- soliciting employee cost savings suggestions,
- sale of town owned land,
- reorganizing and consolidating municipal and school functions,
- aggressive unpaid tax collection,
- increasing various school and town fees,
- closing the town pool.

At meetings held in late November and December, the Ad Hoc voted recommendations that were estimated to generate $400,000 in one time revenues and $247,000 in recurring expense reductions. The results of the Ad Hoc effort were presented at a Selectmen's meeting January 3, 2006.
These recommendations were adopted by the Finance Committee and resulted in a $647,000 reduction to the Budget Guideline shortfall issued in October of 2005.

Concurrent with the Ad Hoc effort, work on the proposed budget for FY2007 began in September, 2005. After reviewing various budget scenarios based on probable revenue and expense changes and the economic challenges facing the town in the upcoming fiscal year, the Finance Committee issued FY2007 Budget Guidelines on October 11, 2005. The guidelines anticipated an operating budget shortfall (expenses exceeding revenues) of $2.975 million and an infusion to free cash of $325,000 for a total shortfall of $3.3 million. Departments were instructed to compile a budget that assumed:

- salary accounts adjusted for previously settled contact raises, step and lane changes,
- all non salary accounts remain the same as FY2006 except for utility accounts, and
- utility expense accounts increased to cover estimated costs in FY2007.

Additionally, the guideline memo requested a second budget reflecting a scaled back budget calculated at 92% of the FY2007 guideline budget. The 92% budget presented a summary of cuts to be weighed by the Finance Committee. Also, this second budget would be implemented if an override vote was not recommended or was unsuccessful at the ballot.

A budget guideline forum was held October 24, 2005. At this forum, the Finance Committee reviewed town finances and answered questions. Town and School budgets were due November 29, 2005.

In November, the Finance Committee was informed that the Town had lost a real estate tax court case pursued by the former owners of the so-called "Raytheon" property. Additional abatement/ exemptions approved by the Assessors caused the Town to pay $491,000 out of free cash reserves. This free cash depletion when added to the estimated shortfall increased our budget shortfall to $3.791 million.

On December 15, 2005, the Finance Committee held a public forum to review the budget process, updated numbers and answer questions.

In January the committee met with boards, departments, and commissions to discuss specific budget requests. Significant discussion focused on the summary of cuts requested in the second budget.

In early February the Finance Committee deliberated and voted a draft budget. This budget reduced the estimated shortfall of $3.791 million to $2.1 million. Significant expense reductions and fee increases included:

1. School Committee personnel cuts (7 full time equivalent positions) and fee increases totaling $341,000. New or increased fees were proposed for elementary instrumental music, lunch, and increased athletic fees. Athletic user fees will now total $200 per student per sport at the High School. The annual cap per family will be $850. A $100 athletic fee per student per sport will be instituted at the Middle School. Staff reductions include three elementary teachers, three elementary specialists (physical education, art and music), and one Middle School teacher.

2. Town department personnel cuts at the Library (open eight fewer hours per week), Landfill (eliminated the clerk's position), Conservation Department (ten fewer hours for the assistant), and Highway Department (reduced hours for one of two clerks) that are estimated to save $72,000.

3. Finally, the Finance Committee asked the Selectmen to sell real estate mostly forfeited for unpaid taxes as a means of offsetting the abatement cost.

The combined savings from the Ad Hoc effort, land sales and budget deliberations totaled $1.7 million. The $3.791 million budget shortfall was reduced by 45 %.

The Finance Committee considered additional reductions in school and town services. We decided that further cuts to school programs and personnel, police and fire personnel, joint communications personnel, Council on Aging personnel, senior tax work-off programs, Library personnel and hours,

the elimination of all elementary school crossing guards and a further 5 % cut to the remaining departments threatened core services and residents safety.

The Finance Committee voted 5-1 in favor of the override. The one dissenting vote requested that an extra $200,000 be added to the Reserve Fund account. This proposal was discussed but not approved.

A draft budget was presented at a public forum on February 16, 2006. Subsequently, the Finance Committee approved the operating budget (5 in favor and one opposed) that appears in this warrant. The capital budget was approved unanimously (6-0). The Finance Committee presented a budget and override review to the Board of Selectmen on February 27, 2006. On March 13, 2006 the Board of Selectmen voted 4-1 to put the operating budget override on the ballot and 5-0 to place the debt exclusion on the ballot for the April 25, 2006 town election. The Finance Committee and the Selectmen held a public budget forum on March 21, 2006.

SUMMARY OF THE FY2007 OPERATING BUDGET

Total revenue in FY2007 is estimated to be $51.8 million. Expenses total $54.8 million. The result is a budget gap of $3.0 million. This gap is being funded by $900,000 in other reserves (including sale of real estate reserve and ambulance receipts), and a $2.1 million override.

To understand the gap, it is important to analyze the changes in revenues and expenses between FY2006 and FY2007:

1. Revenue between FY2006 and FY2007 as shown in Table 1 is increasing by $1,285,488. Source of revenue and changes from FY2006 are as follows:
    - Under Proposition 2½ the tax increase is limited to 2½% of the overall tax levy. For FY2007, this represents approximately $1,009,132.
    - State revenue is expected to increase by $100,000. As recently as 2002 and 2003, State revenue to the town was almost $600,000 per year higher than the amount the town will receive in FY2007. In the last five years, the town has had to absorb a cumulative state aid reduction of over $3.4 million in state funding.
    - Local receipts, primarily excise taxes and fees charged for use of certain town services are expected to increase by $67,136.
    - New growth, the tax on new and upgraded properties, is estimated to generate $400,000 of new revenue. This lower revenue number anticipates a reduction in new home construction activity.
    - Additional taxes from debt exclusions will increase by $26,837.
    - Use of free cash. In FY2006 the Town used $300,000 of free cash reserves to balance the budget. Free cash built up during stronger economic times has been used to offset the declines of state funding and significant increases in health and pension benefits. The Finance Committee has decided to add $325,000 to our free cash balances in FY2007. This represents a net change of ($625,000).

Table 1: Revenue Sources

Description	Projected FY2006	Projected FY2007	Difference	% change
State Revenues	$4,572,626	$4,672,626	$100,000	2.19%
Local Receipts	3,470,000	3,537,136	67,136	1.93%
Free Cash	300,000	0	-300,000	-100.00%
Real Estate Taxes:				
Tax Levy	38,770,725	40,330,152	1,559,427	4.02%
Allowance for 2.5%	912,205	1,009,132	96,927	10.63%
Debt Exclusion	1,787,414	1,814,287	26,873	1.50%
New Tax Levy Growth	664,875	400,000	-264,875	-39.84%
Total Real Estate taxes	42,135,219	43,553,571	1,418,352	3.37%
Total revenues before misc receipts	**$ 50,477,845**	**$ 51,763,333**	**$ 1,285,488**	**2.55%**

2. Operating expenses (Table 2) and non-operating expenses between FY2006 and FY2007 are increasing by $3.2 million. Significant items include:
    - Salary and step increases of $877,000. During FY2006 the town settled new labor contracts with its various unions with the exception of the police. These contracts are generally three-year contracts and will cover the fiscal period FY2005 through FY2007. For purposes of the FY2007 budget, the Finance Committee assumed that the police contract would settle at the same increase as the other unions. In addition, under existing labor contracts, most employees are entitled to step increases, which are built-in annual pay increases based on agreed to salary and wage classification schedules.
    - Health care costs are expected to increase by $867,000. This increase is required to fund higher insurance rates (for active and retired employees) and the impact of employees who opted to enroll in the Wayland plan in FY2006.
    - Pension costs are increasing by $317,000. Pension expense represents the cost to provide pensions to Town employees; it does not include teachers whose pension is covered by the state. The higher charge is Wayland's FY2007 assessment from the Middlesex County Retirement System, the Town's pension administrator. The increase is required due to lower investment returns realized in the past few years requiring a higher annual contribution to fund the town's pension liability and insufficient employee contributions in the 1970's and 1980's.
    - Utility costs are estimated to increase by $673,000 required for the higher gasoline, diesel, heat, and electric rates.
    - Free cash savings will total $325,000.
    - State and county charges are expected to increase by $76,000.
    - The overlay for abatement account anticipates an increase of $125,000.

FY06 OMNIBUS BUDGET

The Omnibus Budget lists various Town operating expenses, unclassified expenditures such as employee health insurance, and debt and interest. The budget also includes requests for capital expenditures.

OPERATING EXPENSES

The FY2007 Omnibus Budget article proposes operating expenses of $50,803,581. This represents an increase of $1,867,128 or 3.8% from FY2006.

Table 2 Departmental Increases:

	BUDGET FY2006	BUDGET FY2007	INC/(DEC)	%
GENERAL GOVERNMENT	$ 2,556,432	$ 2,800,492	$ 244,060	9.5%
PUBLIC SAFETY	4,649,128	5,076,408	427,280	9.2%
HIGHWAY	1,135,023	1,169,997	34,974	3.1%
SNOW REMOVAL	58,000	186,000	128,000	220.7%
LANDFILL	473,596	495,203	21,607	4.6%
HEALTH	564,499	612,864	48,365	8.6%
SCHOOLS	27,379,743	28,407,893	1,028,150	3.8%
REGIONAL VOCATIONAL S(	186,000	221,000	35,000	18.8%
LIBRARY	855,950	942,695	86,745	10.1%
PARK & RECREATION	801,682	740,716	(60,966)	-7.6%
P & REC FEE PROGRAMS	550,000	-	(550,000)	-100.0%
DEBT & INTEREST	3,665,900	3,668,313	2,413	0.1%
UNCLASSIFIED	6,060,500	6,482,000	421,500	7.0%
Total	$ 48,936,453	$ 50,803,581	$ 1,867,128	3.8%

Notes:

1. *Park & Recreation fee supported program income and expense has been removed from the budget and placed in a revolving account for FY2007.*
2. *Snow removal budget was increased by $128,000 to better reflect actual costs.*
3. *The FY2007 budgets for all departments except Schools reflect three years of salary settlement percent increases (0% for first 6 months / 2% for last six months of FY2005, 3.5% for FY2006 and 3.5% for FY2007). TheFY2005 and FY2006 estimated salary increases for these departments appeared in the salary settlement reserve line item in the Unclassified budget. The FY2007 budget for Schools reflects one year's salary increase (3.5%) (FY2007).*

NON-OPERATING BUDGET EXPENSES

The Town is responsible for funding State and County assessments ($815,431), real estate abatements ($425,000) and Town employee retirement pensions ($2,325,000). The budget contemplates increasing free cash reserves by $325,000 (see free cash discussion). Miscellaneous non-operating budget charges are expected to equal $75,000. The Finance Committee estimates that these non-budget charges will total $3,965,431. This represents an increase of $934,431 or 14% from FY2006. Increases of $317,000 in the town's contribution to the County Retirement system and the $325,000 increase in free cash and $125,000 in the real estate abatement account are the primary reasons for the change.

The Omnibus Budget expenses plus the nonbudget expenses total $54,769,012.

CAPITAL REQUESTS

Capital requests for FY2007 total $2,295,000. If approved at Town Meeting, we will need to borrow to fund these purchases. The list appears on the final page of the Omnibus Budget under the title "Capital Budget." The Finance Committee's capital recommendations were based on properly maintaining the current infrastructure and replacing vehicles and equipment that have outlived useful life.

Capital expenditure requests are: 1) $1,315,000 for roof/building repairs at the Town Building, Public Library and Happy Hollow School; 2) $350,000 for a new fire truck to replace a twenty five year old pumper; 3) $30,000 for replacement obsolete ballot box machines; 4) $170,000 to replace technology equipment at School and Town departments; 5) $15,000 to purchase replacement open top containers at the landfill; 6) $30,000 for shoring and paving work at the Landfill; 7) a replacement backhoe loader ($90,000) and leaf collection system ($30,000) for Park and Recreation; 8) a replacement dump truck ($125,000) at the Highway Department; 9) and miscellaneous building repairs ($100,000) and replacement copy machines ($40,000) at various schools.

The Finance Committee has requested that the roof repairs (#1) and the fire truck (#2) be voted at the ballot as debt exclusions. A debt exclusion increases the amount of property tax revenue a community may raise for a limited or temporary period of time in order to fund specific projects. Because similar value debt exclusion borrowings are maturing, there will be no real estate tax increase attributed to these new borrowings. The remaining capital requests are incorporated into the operating budget and override request. The capital budget will require borrowing $2.2 million.

Included in this year's warrant are a number of capital requests such as the construction of a water treatment plant, addition of nitrogen treatment equipment at the Septage facility and various code repairs at the High School that are presented as articles. The Finance Committee's discussion and recommendation of each of these items are included with the article. The Finance Committee unanimously recommends (6-0) approval of the FY2007 capital budget.

FREE CASH

Table 4 depicts Free Cash allocated to close prior year budget deficits. Note that there is no Free Cash being applied to the FY2007 budget.

Table 4: Free Cash Allocated To Annual Revenue

Fiscal Year	Free cash
FY2002	$1,750,000
FY2003	$1,550,000
FY2004	$2,400,000
FY2005	$1,869,000
FY2006	$ 300,000
FY2007	$ 0

The Finance Committee has budgeted $325,000 of revenue to be added to the Free Cash Reserve balance. We estimate that this will leave the Town with a free cash balance at year end of $1.2 million. The Finance Committee is committed to increasing the Town's Free Cash Reserves over the next four years. A Free Cash Reserve equaling 5% of operating expenses will allow for greater financial flexibility and allow the Town to maintain a high credit rating.

5-YEAR CAPITAL PLAN

Capital planning is part of the overall financial plan for the Town of Wayland that the Finance Committee prepares each year as specified by the Code of the Town of Wayland. Capital needs fall into four categories: equipment, buildings, land and roads. The accompanying five year capital plan in this warrant is the starting point for capital expenditures to be considered in future years. Capital requests are summarized by department, board or commission. Capital items for FY2008 and later years have not been formally presented by departments nor approved by the Finance Committee. Significant projects listed on the 5-year plan include funds to build a new Public Library, to build a new Highway/Park and Recreation facility. Costs for a renovated or new High School are not listed.

ABATEMENT

This past fall, a significant abatement decision concerning the "Raytheon" property was decided by the Appellate Tax Board in favor of the prior land owner, GRM Properties II LLC. The ATB decision covered the years FY2003 and FY2004. After the court decision, the current owner, Wayland Business Associates, and the Assessors agreed to a revised assessment for FY2005. The net amount paid by the Town after exhausting abatement reserves for FY2003-FY2005 was $355,000 in tax and $63,000 in interest. An additional $73,000 was paid for miscellaneous abatements/exemptions, resulting in $491,000 paid in excess of abatement reserves. An article in the Special Town Meeting proposes selling surplus Town property to reimburse the free cash reserve account that was used to pay these abatements/exemptions.

TOWN CENTER PROJECT

At Special Town Meeting, the Wayland voters will have a unique opportunity to expand the commercial tax base and bring significant new tax revenue to the Town. The zoning article proposes a Mixed Use Overlay District (MUOD) that will allow for a town center development with 165,000 sq. ft. of commercial/office space and 167,500 sq. ft. of residential space. Our preliminary projections show this type of lifestyle center could produce almost $900,000 in annual net tax revenue, resulting in an annual gain to the Town of approximately $600,000.

In November 2005, voters defeated a zoning overlay district that would have allowed a town center proposal with 200,000 sq. ft. of commercial space and 210,000 sq. ft. of residential space. This winter and spring, the Board of Selectmen has worked with the Planning Board and the Developer to craft a smaller proposal, more in keeping with the scale of the voter's requests.

The Finance Committee has more accurate revenue projections now and, at the time of this writing, the expense estimates are being reviewed and refined by the Town's financial consultant.

The Development Agreement is being finalized; with many of the same financial incentives offered in the fall. The Agreement is expected to result in additional compensation to the Town in excess of $3 million.

Passage of the Special Town Meeting article will help achieve one of the Finance Committee's financial goals of expanding the commercial tax base and hopefully help eliminate the need for annual override requests.

LIST OF CUTS IF OVERRIDE FAILS

If the override ballot vote is defeated, the Finance Committee will present an alternative budget that reduces expenses by $2.1 million. Below is a preliminary listing of School and Town cuts in personnel and services that will be implemented if the override fails:

Public Schools Reductions if FY2007 Override Fails		**Total**
Elementary Consolidation: 3 Schools-K, 1-2, 3-5		
Grades K-5 Classroom Teachers (8.2 FTE)	$400,801	
Certified Specialists (1.6 FTE)	$137,900	
Principal (1.0 FTE)	$87,840	
Teaching Assistants (6)	$70,172	
Secretary (1)	$40,385	
Custodian (1)	$39,630	
SPED Team Leader	$3,477	
MCAS Coordinator (2)	$3,926	
Co-Curricular Stipends (10)	$15,220	
Sub-total	$799,351	
Additional transportation	($165,000)	
Net Savings-Elementary Consolidation		**$634,351**
Middle School (4.0 FTE)	$200,000	
High School (5.0 FTE)	$250,000	
Elementary Instrumental Music (1.7 FTE)	$122,105	
Sub-total	$572,105	
Reduction in Collection of User Fees	($43,750)	
Net Savings Middle & High School		**$528,355**
Curriculum & Staff Development		
Summer Curriculum Work	$54,120	
In-district Staff Development Courses & Grants	$13,000	
Out of District Teacher Training Programs	$7,000	

In-district Curriculum Consultants and In-Service Activ.	$10,500	
K-5 Professional Development Services	$11,000	
Out of District Conference Fees, K-12	$59,527	
Savings Curriculum & Staff Development		**$155,147**
Savings Extracurricular Activities		**$100,000**
Savings Textbooks & Supplies		**$52,147**
Total Savings		**$1,470,000**

Municipal Department Reductions if FY2007 Override Fails

Department	Description		Total
Selectmen	Beautification	$7,000	
Assessors	Contract Services	$17,919	
Treasurer	Personnel	$12,038	
Town Bldg.	Personnel	$18,645	
Police	Personnel	$151,542	
Police	Cruiser	$24,000	
Joint Communications	Personnel	$47,375	
Fire	Personnel	$140,965	
Highway	Road Resurfacing	$80,000	
BOH-Landfill	Waste Ban Material	$37,375	
Board of Health	Personnel-School Nurses	$25,648	
Board of Health	Public Nursing, Water Testing	$22,882	
Youth Services	Personnel	$12,966	
Council on Aging	Personnel	$17,690	
Council on Aging	Reduce Tax Work-off	$5,500	
Library	Personnel & Books	$25,900	
Park & Rec	Personnel	$50,285	
Total Savings			**$697,730**

NOTE: The above list of municipal reductions is a draft recommendation from the Town Administrator. The specific reductions to the municipal budget should the override fail will total $630,000 and will be determined by the Board of Selectmen at a meeting on April 10, 2006.

LONG RANGE PLAN

Wayland, like many peer towns, has grappled with significant state aid reductions, healthcare and pension expense increases and sharply rising heat, transportation and utility costs. The Finance Committee has spent considerable time and effort researching these significant budget drivers and devising immediate actions needed to balance budgets in FY2008 through FY 2010 without the need for annual overrides. Those actions include:

- Modifying healthcare programs (FY2008),
- Adopting Medicare coverage for eligible retirees (ATM FY2007),

- Controlling salary increases for new labor contracts (FY2008),
- Investigate efficiencies in town operations - possibilities include DPW, land use department, and consolidating support functions across town and school departments, (FY2008)
- Re-think school structure relative to declining enrollment (FY2008), and
- Expand our commercial base-Town Center Development (ATM FY2007).

The Finance Committee is committed to supporting these actions and we encourage Committees, Departments and residents to support these ongoing efforts.

FINANCIAL TRENDS

Over the past few years, the Town finances have been severely challenged by reductions in state funding, declines in new growth and increases in health care and retirement costs. The use of free cash, built up during the period of strong economic growth in the late 1990's, has helped to manage through the past few years. Free Cash is no longer available to fund shortfalls. Without increases in state aid funding, local fees or new growth, the additional taxes allowed under Proposition 2 ½ have not be sufficient to fund increases in the healthcare or pension, let alone other operating budget expenses. The Town is actively investigating: 1) ways of controlling the increase in health care costs and 2) alternate fund managers for the Town's pension. Revenues generated by the Town Center commercial development will have a significant role in balancing future budgets without the need for annual overrides.

The tax rate for FY2007 is expected to rise approximately 7.5% in the aggregate. This increase includes the impact of the override plus the allowable 2.5% increase. Each homeowner's increase will be more or less, depending on changes in values.

Wayland's property values continue to increase significantly with the average assessed value increasing to $586,000 after the last town-wide revaluation in 2004. A strong school system, semi-rural character and the proximity to Boston and the beltways are all given as factors that make Wayland highly desirable.

Once again, Wayland is one of the few towns in the Commonwealth of Massachusetts that earned an Aaa bond rating in 2005 from Moody's Investors Service. This rating, Moody's highest, reflects the Town's strong financial operating results, management, policies and underlying demographic and economic factors. Moody's cautioned that it expects additions to free cash reserves over the next several years as a condition of maintaining the Aaa bond rating. The report stated that the "inability to at least meet expectations in fiscal 2005, and reverse the negative trend in financial flexibility in fiscal 2006 will warrant downward rating action." A downward rating would result in a less advantageous interest rate for future borrowings.

Finally, in recognition of the tax burden on our elderly population, Wayland has supported a number of initiatives that reduce the financial strain for those on fixed income. Wayland is one of only a few towns in the Commonwealth that is matching state credits for qualifying seniors. In 2005, a qualifying Wayland senior received $2680 in real estate tax exemptions, half from the state and half from Town. Qualified seniors are exempt from the 1.5% CPA tax levy. Additionally, the Town offers a senior tax work-off program which reduces a senior's real estate bill by an additional $500 in exchange for 100 hours of service to the Town. Wayland's share of these senior support programs totaled $272,500 in FY2005. Over 200 senior residents took advantage of one or all of these real estate exemptions.

At Special Town Meeting, an article will be presented that allows qualified seniors to defer real estate

tax payments in exchange for the Town collecting 3.5 percent interest on the annual balance. The Finance Committee is very sensitive to the financial pressure experienced by our elderly population and has unanimously supported articles and initiatives that have substantially reduced the amount of real estate tax collected from those senior citizens reliant on small fixed incomes.

CONCLUSIONS

The Finance Committee voted 5-1 to recommend the FY2007 operating budget and 6-0 to recommend the capital budget. Wayland's revenues, expenses and real estate taxes compare favorably to peer towns notwithstanding our small commercial tax base. The Town Center commercial project is our best chance to rectify this shortcoming. The hard work of the Ad Hoc Committee, the Selectmen, the School Department, the Finance Committee and Town and School managers has reduced the original shortfall by $1.7 million or 45%. The budget presented in the warrant includes service and employee reductions but maintains core services. It is important to note that this is not a level service budget. The Finance Committee believes it is in the best interest of the citizens to support the FY2007 budget and the override to maintain core services.

The Finance Committee extends thanks and appreciation to the Town's employees, municipal department heads, and the various committees for their support during this year's budget preparation.

Wayland faces a challenging financial year in FY2007. The Finance Committee will continue to use all diligence in preparing future budgets that will balance the demand for services against the ability of residents with a broad range of financial situations to afford these services.

Respectfully submitted,

Chris Riley, Chair

Cherry Karlson, Vice Chair	Bob Lentz
Charles D'Ambrosio	Sam Peper
Karl Geiger	Richard Stack

TOWN OF WAYLAND 5 YEAR CAPITAL PLANNING REPORT

	2007	2008	2009	2010	2011	Total
SELECTMEN						
Town Building Repairs	$240,000					$240,000
Subtotal	$240,000	$0	$0	$0	$0	$240,000
INFORMATION TECHNOLOGY						
Equipment	$20,000	$20,000	$20,000	$20,000	$20,000	$100,000
Subtotal	$20,000	$20,000	$20,000	$20,000	$20,000	$100,000
TOWN CLERK						
Ugrade voting system	$30,000					$30,000
Subtotal	$30,000	$0	$0	$0	$0	$30,000
CONSERVATION						
Mower		$20,000				$20,000
Subtotal	$0	$20,000	$0	$0	$0	$20,000
TOWN SURVEYOR						
Vehicle				$25,000		$25,000
Subtotal	$0	$0	$0	$25,000	$0	$25,000
POLICE						
Equipment		$30,000	$30,000	$10,000	$45,000	$115,000
Subtotal	$0	$30,000	$30,000	$10,000	$45,000	$115,000
JCC						
Equipment		$40,000	$30,000	$20,000		$90,000
Subtotal	$0	$40,000	$30,000	$20,000	$0	$90,000
EMERGENCY MANAGEMENT						
Generator		$220,000				$220,000
Subtotal	$0	$220,000	$0	$0	$0	$220,000
FIRE						
Ambulance Replacement				$200,000		$200,000
Protective Clothing			$30,000			$30,000
Engine 4 replacement	$350,000					$350,000
Car 1 replacement					$40,000	$40,000
Jaws of Life					$25,000	$25,000
Car 2 replacement		$50,000				$50,000
Subtotal	$350,000	$50,000	$30,000	$200,000	$65,000	$695,000
BUILDING & ZONING						
Vehicle			$30,000			$30,000
Subtotal	$0	$0	$30,000	$0	$0	$30,000

	2007	2008	2009	2010	2011	Total
HIGHWAY						
3 x 5 Yard 15k dump truck w/plow			$55,000			$55,000
Sidewalk machine with attachments		$120,000		$90,000		$210,000
6 Wheel 10 ton dump truck/attachments	$125,000			$150,000		$275,000
Backhoe loader with attachments		$130,000				$130,000
Highway/Park Facility					$8,500,000	$8,500,000
Multi purpose truck w/plow			$95,000			$95,000
Subtotal	$125,000	$250,000	$150,000	$240,000	$8,500,000	$9,265,000
LANDFILL						
Containers	$15,000		$15,000			$30,000
Paving & Sealing	$30,000					$30,000
Truck		$50,000				$50,000
Recondition Compactor		$15,000				$15,000
30 ton Dump Truck w/plow				$75,000		$75,000
Engineering for Capping Landfill					$75,000	$75,000
Subtotal	$45,000	$65,000	$15,000	$75,000	$75,000	$275,000
LIBRARY						
Roof repair	$375,000					$375,000
Exterior Repairs		$25,000				$25,000
New Library			$13,000,000			$13,000,000
Subtotal	$375,000	$25,000	$13,000,000	$0	$0	$13,400,000
PARK & RECREATION						
Trucks		$195,000	$145,000		$55,000	$395,000
Leaf Collection System	$30,000					$30,000
Backhoe Loader	$90,000					$90,000
Beach Improvements		$140,000	$200,000			$340,000
Field Development				$1,200,000		$1,200,000
Equipment/Misc		$75,000	$195,000	$70,000	$150,000	$490,000
Subtotal	$120,000	$410,000	$540,000	$1,270,000	$205,000	$2,545,000
SCHOOL DEPARTMENT						
Technology	$150,000	$300,000	$300,000	$300,000	$300,000	$1,350,000
School Buses		$60,000	$60,000	$60,000	$60,000	$240,000
Equipment & Furniture	$40,000	$40,000	$40,000	$40,000	$40,000	$200,000
Happy Hollow Repairs	$700,000	$350,000	$350,000	$350,000		$1,750,000
Miscellaneous Building Repairs	$100,000	$100,000	$100,000	$100,000		$400,000
High School Repairs	$50,000					$50,000
Subtotal	$1,040,000	$850,000	$850,000	$850,000	$400,000	$3,990,000
Department Totals	$2,345,000	$1,980,000	$14,695,000	$2,710,000	$9,310,000	$31,040,000

Note: Repairs/Renovations to the High School have not been determined at this time.

WATER						
Treatment plant	$7,500,000		$3,500,000			$11,000,000
Pinebrook-Boston Post to Old Conn		$700,000				$700,000
Vehicle	$35,000	$45,000	$45,000			$125,000
Water Tank Repairs		$75,000	$175,000	$75,000		$325,000
Filtration Pilot Study		$75,000				$75,000
Subtotal	$7,535,000	$895,000	$3,720,000	$75,000	$0	$12,225,000

SUMMARY BY DEPARTMENT	2007	2008	2009	2010	2011	Total
SELECTMEN	$240,000	$0	$0	$0	$0	$240,000
INFORMATION TECHNOLOGY	$20,000	$20,000	$20,000	$20,000	$20,000	$100,000
ASSESSOR	$0	$0	$0	$0	$0	$0
TOWN CLERK	$30,000	$0	$0	$0	$0	$30,000
CONVERVATION	$0	$20,000	$0	$0	$0	$20,000
TOWN SURVEYOR	$0	$0	$0	$25,000	$0	$25,000
BUILDING & ZONING	$0	$0	$30,000	$0	$0	$30,000
POLICE	$0	$30,000	$30,000	$10,000	$45,000	$115,000
JCC	$0	$40,000	$30,000	$20,000	$0	$90,000
EMERGENCY MANAGEMENT	$0	$220,000	$0	$0	$0	$220,000
FIRE	$350,000	$50,000	$30,000	$200,000	$65,000	$695,000
HIGHWAY	$125,000	$250,000	$150,000	$240,000	$8,500,000	$9,265,000
LANDFILL	$45,000	$65,000	$15,000	$75,000	$75,000	$275,000
LIBRARY	$375,000	$25,000	$13,000,000	$0	$0	$13,400,000
PARK & RECREATION	$120,000	$410,000	$540,000	$1,270,000	$205,000	$2,545,000
subtotal	$1,305,000	$1,130,000	$13,845,000	$1,860,000	$8,910,000	$27,050,000
SCHOOL	$1,040,000	$850,000	$850,000	$850,000	$400,000	$3,990,000
TOTAL G/F DEPARTMENTS	$2,345,000	$1,980,000	$14,695,000	$2,710,000	$9,310,000	$31,040,000
NON-DEPARTMENTAL						
WATER	$7,535,000	$895,000	$3,720,000	$75,000	$0	$12,225,000

TABLE NO. 1 – WAYLAND INCOME AND EXPENSE STATEMENT

	FISCAL 2003	FISCAL 2004	FISCAL 2005	FISCAL 2006	FISCAL 2007
BUDGET	$43,120,624	$45,178,662	$46,515,770	$48,936,453	$50,803,581
ARTICLES AND WATER BUDGET	$2,910,990	$4,859,389	$4,487,419	$4,756,101	$12,953,809
TOTAL TOWN EXPENSE	$46,031,614	$50,038,051	$51,003,189	$53,692,554	$63,757,390
NET REC FROM STATE	($2,965,182)	($1,917,809)	($1,806,265)	($1,585,690)	($1,532,195)
OVERLAY EXPENSE	$310,599	$300,000	$294,911	$387,629	$425,000
LOCAL RECEIPTS	($3,523,353)	($3,977,500)	($4,445,926)	($3,470,000)	($3,537,136)
OTHER SOURCES: FREE CASH, BORROWINGS, ETC.	($4,695,174)	($7,387,392)	($7,000,885)	($6,889,274)	($15,559,488)
TO BE RAISED BY TAXATION	$35,158,504	$37,055,350	$38,045,024	$42,135,219	$43,553,571
ASSESSED VALUATION	$2,807,819,902	$2,822,189,683	$3,024,246,760	$3,360,065,306	$3,360,065,306

AVERAGE TAX BILL WILL INCREASE BY APPROXIMATELY 7.5% IN FY 07

TABLE NO. 2 - HISTORICAL BUDGET SUMMARY

FISCAL YEAR	SCHOOL	TOTAL	INCREASE	%
FY 2007	$28,407,893	$50,803,581	$1,867,128	3.8%
FY 2006	$27,379,743	$48,936,453	$2,420,683	5.2%
FY 2005	$26,067,251	$46,515,770	$1,337,108	2.9%
FY 2004	$25,650,251	$45,178,662	$2,050,038	4.8%
FY 2003	$24,599,201	$43,120,624	$2,739,700	6.8%
FY 2002	$22,937,619	$40,380,924	$2,791,636	7.4%
FY 2001	$20,898,995	$37,589,288	$3,408,838	10.0%
FY 2000	$19,131,126	$34,180,450	$1,574,292	4.8%
FY 1999	$18,437,289	$32,606,158	$1,382,968	4.7%
FY 1998	$17,390,014	$31,223,190	$2,402,789	8.3%

TABLE NO. 3

TOWN REVENUES	FY 03	FY 04	FY 05	FY 06	FY 07
AUTO EXCISE	1,700,000	1,860,000	2,015,000	2,000,000	2,000,000
FEES, FINES, INTEREST	1,850,000	2,117,000	2,430,926	1,470,000	1,537,136
NET CHERRY SHEET	4,495,068	3,518,000	3,555,100	3,833,425	3,857,195
TOTAL	8,045,068	7,495,000	8,001,026	7,303,425	7,394,331
RAISED FROM TAXES	34,963,122	37,055,350	38,045,024	42,135,219	43,553,571

TABLE NO. 4
PERCENT OF BUDGET BY DEPARTMENT

DEPARTMENT	FY 03	FY 04	FY 05	FY 06	FY 07
GENERAL GOVERNMENT	5.6%	5.6%	5.4%	5.3%	5.5%
PUBLIC SAFETY	10.1%	10.2%	9.9%	9.5%	10.0%
SCHOOLS	56.8%	56.4%	55.7%	55.9%	55.9%
REG VOC SCHOOL	0.2%	0.4%	0.3%	0.4%	0.4%
HIGHWAY	2.6%	2.6%	2.8%	2.4%	2.7%
LANDFILL	1.0%	1.0%	1.0%	1.0%	1.0%
HEALTH	1.2%	1.4%	1.2%	1.2%	1.2%
LIBRARY	1.9%	1.8%	1.8%	1.7%	1.9%
PARK & RECREATION	3.2%	3.0%	3.0%	2.8%	1.5%
DEBT & INTEREST	9.3%	8.4%	8.3%	7.5%	7.2%
UNCLASSIFIED	8.1%	9.2%	10.6%	12.3%	12.8%

TABLE NO. 5 DEPARTMENTAL INCREASES

	BUDGET FY 06	BUDGET FY 07	DIFFERENCE	% INCREASE
GENERAL GOVERNMENT	$2,556,432	$2,800,492	$244,060	9.5%
PUBLIC SAFETY	$4,649,128	$5,076,408	$427,280	9.2%
SCHOOLS	$27,379,743	$28,407,893	$1,028,150	3.8%
REGIONAL VOCATIONAL SCHOOL	$186,000	$221,000	$35,000	18.8%
HIGHWAY	$1,193,023	$1,355,997	$162,974	13.7%
LANDFILL	$473,596	$495,203	$21,607	4.6%
HEALTH	$564,499	$612,864	$48,365	8.6%
LIBRARY	$855,950	$942,695	$86,745	10.1%
PARK AND RECREATION	$1,351,682	$740,716	-$610,966	-45.2%
DEBT AND INTEREST	$3,665,900	$3,668,313	$2,413	0.1%
UNCLASSIFIED	$6,060,500	$6,482,000	$421,500	7.0%
TOTAL	$48,936,453	$50,803,581	$1,867,128	3.8%

Note: The % increases column includes three years of settled labor contracts - FY05, 06, 07 amounts which in prior years were located in the "unclassified" section except the schools. The percent increases were 0/2, 3.5 and 3.5.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. *Town of Wayland*

★★★ WARRANT ★★★

To any of the Constables of the Town of Wayland, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all residents of the Town of Wayland who shall be qualified to vote in accordance with the provisions of Massachusetts General Laws, Chapter 51, Section 1, to come to their respective polling places (Precincts 1 and 4 in the Gymnasium of the Town Building and Precincts 2 and 3 in the Gymnasium of the Middle School) on:

TUESDAY, APRIL 25, 2006, BETWEEN 7:00 A.M. and 8:00 P.M.

to vote for the following Town officers by ballot for the following terms of office:

One Planning Board member for five years;

Two members of the Board of Selectmen, two members of the School Committee, one Assessor, two Road Commissioners, one Water Commissioner, two Library Trustees, two members of the Board of Health, two Park and Recreation Commissioners, and one Trust Fund Commissioner for three years;

One Assessor for two years;

As well as such other Town Officers as may be necessary and to vote "Yes" or "No" upon the following question:

QUESTION NO 1: "Shall the Town of Wayland be allowed to assess an additional $2.1 million dollars in real estate and personal property taxes for the fiscal year beginning July first, two thousand and six?"

QUESTION NO 2: "Shall the Town of Wayland be allowed to exempt from the provision of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to (i) replace the Happy Hollow Elementary School roof; (ii) repair the Wayland Town Building; (iii) procure a new fire truck; and (iv) repair the Wayland Free Public Library roof?"

You are also required to notify all such residents of Wayland to meet in the High School Field House on

THURSDAY, APRIL 27, 2006, AT 7:30 P.M.

to act on the following Articles:

ARTICLE 1: RECOGNIZE CITIZENS AND EMPLOYEES FOR EXTENSIVE SERVICE TO THE TOWN

Proposed by: Board of Selectmen

To determine whether the Town will vote to recognize certain citizens and employees for their extensive service to the Town of Wayland.

FINANCE COMMITTEE COMMENTS: This is a standard article that allows recognition and commendation of certain citizens and employees.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-0.

QUANTUM OF VOTE: Majority.

ARTICLE 2: HEAR REPORTS

Proposed by: Board of Selectmen

To determine whether the Town will vote to receive and act upon reports of Town officers, agents, trustees, commissioners, boards and committees. (See Appendix B)

FINANCE COMMITTEE COMMENTS: This is a standard article that allows reports commissioned by the Town to be heard.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-0.

QUANTUM OF VOTE: Majority.

ARTICLE 3: CHOOSE TOWN OFFICERS

Proposed by: Board of Selectmen

To determine whether the Town will vote to choose Town officers, agents, trustees, councils, commissioners, boards, and committees not elected by official ballot.

FINANCE COMMITTEE COMMENTS: This is a standard article that permits the Town to fill various positions.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-0.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 41, section 1.

ARTICLE 4: CURRENT YEAR TRANSFERS

Proposed by: Finance Committee *Estimated Cost: $396,000*

To determine whether the Town will vote to appropriate a sum or sums of money for the operation and expenses of various Town Departments for the current fiscal year; to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of

funds already appropriated for another purpose, by funds received as grants from the Commonwealth or federal government, by borrowing, or otherwise; and to determine which Town officer, board, or committee of combination of them, shall be authorized to expend the money or monies appropriated therefor.

	CURRENT YEAR TRANSFERS FY 2006	
	PURPOSE	AMOUNT
1	SNOW REMOVAL	$ 200,000
2	SNOW REMOVAL - FUEL	30,000
3	SNOW REMOVAL - LABOR OVERTIME	75,000
4	INSURANCE GENERAL	41,000
5	MEDICARE	25,000
6	TOWN COUNSEL	25,000
	TOTAL CURRENT YEAR TRANSFERS	$ 396,000
	FUNDING SOURCES:	
	UNRESERVED FUND BALANCE	$ 396,000

FINANCE COMMITTEE COMMENTS: This article authorizes the expenditure of funds for the current fiscal year, which were not foreseen in the current budget. These transfers are required for the following reasons:

Snow Removal (200,000) Snow Fuel (30,000) and Labor O.T. (75,000): These requests cover snow removal overages for this fiscal year.

Insurance General (41,000): This reflects a shortfall in the 2006 budget, as rates from the insurance carrier were not available at the time the budget was finalized. This item covers property, auto and general liability coverage.

Medicare (25,000): This reflects a shortfall in the 2006 budget. All employees hired since 1986 are required to be covered by Medicare. This represents the town's 1.45% share of eligible payroll. This line item pays for all Medicare costs both school and town.

Town Counsel (25,000): This amount is needed to cover several ongoing union and arbitration cases.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 7-0.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7.

ARTICLE 5: FY2007 OMNIBUS BUDGET

Proposed by: Finance Committee

To determine what sum of money the Town will appropriate for the operation and expenses of the Town, including capital expenditures for equipment, improvements, or other purposes, and determine

whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

FINANCE COMMITTEE COMMENTS:

ARGUMENTS IN FAVOR: This budget reflects the cost of operating the Town in an efficient manner in order to deliver services to the residents of Wayland.

ARGUMENTS OPPOSED: Some residents might consider the budget excessive, while other residents might believe that insufficient funds have been budgeted to perform all desired services.

RECOMMENDATION: Finance Committee recommends approval. Operating budget vote: 5-1. Capital budget vote: 6-0.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8.

MOTION UNDER ARTICLE 5:

For what it considers to be the proper management of the Town and its finances, the Finance Committee makes the following recommendations, and they are, therefore, incorporated under the motion to be made under Article 5 at the Annual Town Meeting, as follows:

"That the Town Administrator be charged with responsibility for (1) the operation, maintenance, and administration of the Wayland Town Building, the Public Safety Building, and the Cochituate Town Building, their equipment, and their grounds, as well as (2) the supervision, except for matters relating to policy, of all employees in those buildings, other than elected officials, non-salaried appointed officials, and employees of the School Department;"

"That the Director of Youth and Adolescent Services and Staff be under the jurisdiction of the Youth Advisory Committee which shall report to the Town on the activities of the Director of Youth and Adolescent Services and Staff at the Annual Town Meeting. The Director of Youth and Adolescent Services and Staff will receive administrative support from the School Department;"

"That property tax abatements granted to eligible senior citizens under Section 80 and 81 of Chapter 127 of the Acts of 1999 be funded by transfer from the overlay account;"

"That use of a revolving fund be authorized for Fiscal Year 2007 pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws by the Park and Recreation Commission for recreation programs and activities, to be funded by user fees collected; and that the amount to be expended not to exceed the sum of $ 740,000;" and

"That the Town continue for Fiscal Year 2007 the revolving fund established by vote of the 1994 Annual Town Meeting pursuant to Chapter 44, Section 53E1/2 of the Massachusetts General Laws for use by the Council on Aging for education, cultural and entertainment programs and purposes, to be funded by receipts from said programs; and that the amount to be expended not exceed the sum of $ 50,000."

	FISCAL YEAR 2007 BUDGET	EXPENDED FY 2005	APPROPRIATED FY 2006	REQUESTED FY 2007
	SELECTMEN			
	PURCHASE OF SERVICES	$34,367	$20,000	$20,000
	SUPPLIES	$6,569	$13,844	$13,844
1	TOTAL EXPENSES	$40,936	$33,844	$33,844
	TOTAL SELECTMEN	$40,936	$33,844	$33,844
	TOWN OFFICE			
	SALARIES	$252,638	$284,192	$303,900
2	TOTAL PERSONNEL SERVICES	$252,638	$284,192	$303,900
	PURCHASE OF SERVICES	$10,449	$12,000	$16,000
	SUPPLIES	$55,600	$56,600	$57,800
3	TOTAL EXPENSES	$66,049	$68,600	$73,800
	TOTAL TOWN OFFICE	$318,687	$352,792	$377,700
	PERSONNEL BOARD			
	SALARIES	$4,020	$6,750	$6,750
4	TOTAL PERSONNEL SERVICES	$4,020	$6,750	$6,750
	PURCHASE OF SERVICES	$9,620	$10,000	$8,660
5	TOTAL EXPENSES	$9,620	$10,000	$8,660
	TOTAL PERSONNEL BOARD	$13,640	$16,750	$15,410
	FINANCE COMMITTEE			
	PURCHASE OF SERVICES	$160	$0	$0
6	TOTAL EXPENSES	$160	$0	$0
	TOTAL FINANCE COMMITTEE	$160	$0	$0
	FINANCE			
	SALARIES	$236,788	$205,474	$224,715
7	TOTAL PERSONNEL SERVICES	$236,788	$205,474	$224,715
	PURCHASE OF SERVICES	$24,500	$29,003	$29,003
	SUPPLIES	$5,000	$5,000	$5,000
	TOTAL EXPENSES	$29,500	$34,003	$34,003
	TOTAL FINANCE	$266,288	$239,477	$258,718
	ASSESSOR			
	SALARIES	$148,874	$141,732	$159,598
9	TOTAL PERSONNEL SERVICES	$148,874	$141,732	$159,598
	PURCHASE OF SERVICES	$44,955	$79,400	$82,275
	SUPPLIES	$2,466	$7,239	$4,164
10	TOTAL EXPENSES	$47,421	$86,639	$86,439
	TOTAL ASSESSOR	$196,295	$228,371	$246,037

	FISCAL YEAR 2007 BUDGET	EXPENDED FY 2005	APPROPRIATED FY 2006	REQUESTED FY 2007
	TREASURER			
	SALARIES	$170,887	$175,896	$196,520
11	TOTAL PERSONNEL SERVICES	$170,887	$175,896	$196,520
	PURCHASE OF SERVICES	$22,676	$42,598	$36,598
	SUPPLIES	$1,742	$1,703	$1,703
12	TOTAL EXPENSES	$24,418	$44,301	$38,301
	TOTAL TREASURER	$195,305	$220,197	$234,821
	TOWN COUNSEL			
	PURCHASE OF SERVICES	$369,320	$143,600	$143,600
	SUPPLIES	$2,438	$2,100	$2,100
13	TOTAL EXPENSES	$371,758	$145,700	$145,700
	TOTAL TOWN COUNSEL	$371,758	$145,700	$145,700
	INFORMATION TECHNOLOGY			
	SALARIES	$67,505	$66,775	$72,962
14	TOTAL PERSONNEL SERVICES	$67,505	$66,775	$72,962
	PURCHASE OF SERVICES	$48,237	$70,495	$105,495
	SUPPLIES	$27,075	$32,500	$32,500
15	TOTAL EXPENSES	$75,312	$102,995	$137,995
	TOTAL INFORMATION TECHNOLOGY	$142,817	$169,770	$210,957
	TOWN CLERK			
	SALARIES	$103,588	$104,110	$112,957
16	TOTAL PERSONNEL SERVICES	$103,588	$104,110	$112,957
	PURCHASE OF SERVICES	$9,093	$8,100	$8,100
17	TOTAL EXPENSES	$9,093	$8,100	$8,100
	TOTAL TOWN CLERK	$112,681	$112,210	$121,057
	ELECTIONS			
	SALARIES	$8,916	$6,936	$13,644
	TOTAL PERSONNEL SERVICES	$8,916	$6,936	$13,644
	PURCHASE OF SERVICES	$1,375	$1,375	$1,375
	SUPPLIES	$14,477	$1,545	$12,500
	TOTAL EXPENSES	$15,852	$2,920	$13,875
18	TOTAL ELECTIONS	$24,768	$9,856	$27,519
	REGISTRAR			
	SALARIES	$675	$675	$275
19	TOTAL PERSONNEL SERVICES	$675	$675	$275

	FISCAL YEAR 2007 BUDGET	EXPENDED FY 2005	APPROPRIATED FY 2006	REQUESTED FY 2007
	PURCHASE OF SERVICES	$3,327	$3,650	$3,650
20	TOTAL EXPENSES	$3,327	$3,650	$3,650
	TOTAL REGISTRAR	$4,002	$4,325	$3,925
	CONSERVATION			
	SALARIES	$105,435	$104,208	$104,001
21	TOTAL PERSONNEL SERVICES	$105,435	$104,208	$104,001
	PURCHASE OF SERVICES	$4,942	$10,500	$10,500
	SUPPLIES	$8,495	$9,600	$4,600
22	TOTAL EXPENSES	$13,437	$20,100	$15,100
	TOTAL CONSERVATION	$118,872	$124,308	$119,101
	PLANNING			
	SALARIES	$88,179	$88,564	$100,000
23	TOTAL PERSONNEL SERVICES	$88,179	$88,564	$100,000
	PURCHASE OF SERVICES	$2,057	$4,250	$4,000
	SUPPLIES	$2,183	$2,000	$2,000
24	TOTAL EXPENSES	$4,240	$6,250	$6,000
	TOTAL PLANNING	$92,419	$94,814	$106,000
	SURVEYOR			
	SALARIES	$123,180	$128,033	$132,053
25	TOTAL PERSONNEL SERVICES	$123,180	$128,033	$132,053
	PURCHASE OF SERVICES	$10,119	$10,450	$10,450
	SUPPLIES	$4,775	$5,000	$5,000
26	TOTAL EXPENSES	$14,894	$15,450	$15,450
	TOTAL SURVEYOR	$138,074	$143,483	$147,503
	TOWN BUILDING			
	SALARIES	$86,586	$90,258	$107,470
27	TOTAL PERSONNEL SERVICES	$86,586	$90,258	$107,470
	PURCHASE OF SERVICES	$21,000	$24,650	$24,650
	UTILITIES	$191,903	$186,481	$236,000
	SUPPLIES	$5,800	$10,000	$10,000
28	TOTAL EXPENSES	$218,703	$221,131	$270,650
	TOTAL TOWN BUILDING	$305,289	$311,389	$378,120
	HISTORICAL COMMISSION			
	PURCHASE OF SERVICES	$600	$200	$200
29	TOTAL EXPENSES	$600	$200	$200
	TOTAL HISTORICAL COMMISSION	$600	$200	$200

	FISCAL YEAR 2007 BUDGET	EXPENDED FY 2005	APPROPRIATED FY 2006	REQUESTED FY 2007
	SURFACE WATER QUALITY COMMISSION			
	PURCHASE OF SERVICES	$4,889	$4,900	$4,900
30	TOTAL EXPENSES	$4,889	$4,900	$4,900
	TOTAL SURFACE WATER QUALITY COMM	$4,889	$4,900	$4,900
	HISTORIC DISTRICT COMMISSION			
	PURCHASE OF SERVICES	$115	$275	$275
31	TOTAL EXPENSES	$115	$275	$275
	TOTAL HISTORIC DISTRICT COMMISSION	$115	$275	$275
	PUBLIC CEREMONIES			
	PURCHASE OF SERVICES	$609	$2,500	$2,500
32	TOTAL EXPENSES	$609	$2,500	$2,500
	TOTAL PUBLIC CEREMONIES	$609	$2,500	$2,500
	POLICE			
	SALARIES	$1,758,392	$1,788,296	$1,940,555
1	TOTAL PERSONNEL SERVICES	$1,758,392	$1,788,296	$1,940,555
	PURCHASE OF SERVICES	$67,800	$74,392	$109,272
	SUPPLIES	$173,454	$164,453	$161,960
2	TOTAL EXPENSES	$241,254	$238,845	$271,232
	TOTAL POLICE	$1,999,646	$2,027,141	$2,211,787
	JOINT COMMUNICATIONS			
	SALARIES	$360,840	$357,889	$425,293
3	TOTAL PERSONNEL SERVICES	$360,840	$357,889	$425,293
	PURCHASE OF SERVICES	$39,381	$54,603	$37,145
	UTILITIES	$128,000	$108,000	$126,400
	SUPPLIES	$20,311	$20,311	$9,800
4	TOTAL EXPENSES	$187,692	$182,914	$173,345
	TOTAL JOINT COMMUNICATIONS	$548,532	$540,803	$598,638
	EMERGENCY MANAGEMENT			
	PURCHASE OF SERVICES	$13,000	$13,000	$14,800
	SUPPLIES	$10,000	$10,000	$10,000
5	TOTAL EXPENSES	$23,000	$23,000	$24,800
	TOTAL EMERGENCY MANAGEMENT	$23,000	$23,000	$24,800

	FISCAL YEAR 2007 BUDGET	EXPENDED FY 2005	APPROPRIATED FY 2006	REQUESTED FY 2007
	DOG OFFICER			
	PURCHASE OF SERVICES	$18,422	$18,482	$18,915
	SUPPLIES	$1,095	$3,000	$3,000
6	TOTAL EXPENSES	$19,517	$21,482	$21,915
	TOTAL DOG OFFICER	$19,517	$21,482	$21,915
	FIRE			
	SALARIES	$1,641,056	$1,649,862	$1,797,775
7	TOTAL PERSONNEL SERVICES	$1,641,056	$1,649,862	$1,797,775
	PURCHASE OF SERVICES	$25,522	$28,700	$28,700
	SUPPLIES	$81,415	$79,500	$80,500
8	TOTAL EXPENSES	$106,937	$108,200	$109,200
	TOTAL FIRE	$1,747,993	$1,758,062	$1,906,975
	COCHITUATE BUILDING-STATION 2			
	PURCHASE OF SERVICES	$6,950	$9,000	$9,000
	UTILITIES	$11,204	$6,000	$13,000
	SUPPLIES	$1,960	$2,000	$2,000
9	TOTAL EXPENSES	$20,114	$17,000	$24,000
	TOTAL COCHITUATE BLDG-STATION 2	$20,114	$17,000	$24,000
	BUILDING & ZONING			
	SALARIES	$254,006	$243,290	$269,943
10	TOTAL PERSONNEL SERVICES	$254,006	$243,290	$269,943
	PURCHASE OF SERVICES	$9,075	$10,800	$10,800
	SUPPLIES	$7,154	$7,550	$7,550
11	TOTAL EXPENSES	$16,229	$18,350	$18,350
	TOTAL BUILDING & ZONING	$270,235	$261,640	$288,293
	TOTAL PUBLIC SAFETY	$4,629,037	$4,649,128	$5,076,408
1	SCHOOLS	$26,110,633	$27,379,743	$28,407,893
1	REGIONAL VOCATIONAL SCHOOL	$133,588	$186,000	$221,000
	HIGHWAY			
	SALARIES	$874,935	$716,069	$735,543
1	TOTAL PERSONNEL SERVICES	$874,935	$716,069	$735,543
	PURCHASE OF SERVICES	$481,004	$307,454	$307,454
	UTILITIES	$44,420	$42,500	$51,000
	SUPPLIES	$76,871	$69,000	$76,000

	FISCAL YEAR 2007 BUDGET	EXPENDED FY 2005	APPROPRIATED FY 2006	REQUESTED FY 2007
2	TOTAL EXPENSES	$602,295	$418,954	$434,454
	TOTAL HIGHWAY	$1,477,230	$1,135,023	$1,169,997
	SNOW REMOVAL			
	SALARIES	$0	$0	$28,000
3	TOTAL PERSONNEL SERVICES	$0	$0	$28,000
	PURCHASE OF SERVICES	$451,883	$58,000	$120,000
	SUPPLIES	$0	$0	$38,000
4	TOTAL EXPENSES	$451,883	$58,000	$158,000
	TOTAL SNOW REMOVAL	$451,883	$58,000	$186,000
	TOTAL HIGHWAY	$1,929,113	$1,193,023	$1,355,997
	BOARD OF HEALTH -LANDFILL			
	SALARIES	$207,045	$208,703	$221,291
1	TOTAL PERSONNEL SERVICES	$207,045	$208,703	$221,291
	PURCHASE OF SERVICES	$210,712	$174,673	$174,752
	UTILITIES	$15,248	$16,800	$21,840
	SUPPLIES	$47,049	$73,420	$77,320
2	TOTAL EXPENSES	$273,009	$264,893	$273,912
	TOTAL BOH-LANDFILL	$480,054	$473,596	$495,203
	BOARD OF HEALTH			
	SALARIES	$387,610	$396,150	$447,040
1	TOTAL PERSONNEL SERVICES	$387,610	$396,150	$447,040
	PURCHASE OF SERVICES	$154,227	$151,449	$152,574
	SUPPLIES	$10,516	$16,900	$13,250
2	TOTAL EXPENSES	$164,743	$168,349	$165,824
	TOTAL BOARD OF HEALTH	$552,353	$564,499	$612,864
	YOUTH SERVICES			
	SALARIES	$134,107	$134,907	$145,264
1	TOTAL PERSONNEL SERVICES	$134,107	$134,907	$145,264
	PURCHASE OF SERVICES	$4,036	$3,750	$3,750
	SUPPLIES	$692	$980	$1,020
2	TOTAL EXPENSES	$4,728	$4,730	$4,770
	TOTAL YOUTH SERVICES	$138,835	$139,637	$150,034

	FISCAL YEAR 2007 BUDGET	EXPENDED FY 2005	APPROPRIATED FY 2006	REQUESTED FY 2007
	VETERANS SERVICES			
	SALARIES	$3,833	$3,868	$4,003
1	TOTAL PERSONNEL SERVICES	$3,833	$3,868	$4,003
	SUPPLIES	$149	$3,825	$3,825
2	TOTAL EXPENSES	$149	$3,825	$3,825
	TOTAL VETERANS SERVICES	$3,982	$7,693	$7,828
	COUNCIL ON AGING			
	SALARIES	$108,077	$116,190	$121,543
1	TOTAL PERSONNEL SERVICES	$108,077	$116,190	$121,543
	PURCHASE OF SERVICES	$79,295	$71,751	$82,500
	SUPPLIES	$3,394	$6,000	$4,300
2	TOTAL EXPENSES	$82,689	$77,751	$86,800
	TOTAL COUNCIL ON AGING	$190,766	$193,941	$208,343
	LIBRARY			
	SALARIES	$625,206	$637,350	$690,895
1	TOTAL PERSONNEL SERVICES	$625,206	$637,350	$690,895
	PURCHASE OF SERVICES	$45,362	$47,500	$47,500
	UTILITIES	$28,364	$27,000	$42,000
	SUPPLIES	$141,181	$144,100	$162,300
2	TOTAL EXPENSES	$214,907	$218,600	$251,800
	TOTAL LIBRARY	$840,113	$855,950	$942,695
	PARK & RECREATION			
	SALARIES	$504,492	$428,590	$489,262
1	TOTAL PERSONNEL SERVICES	$504,492	$428,590	$489,262
	PURCHASE OF SERVICES	$85,936	$72,547	$73,817
	UTILITIES	$5,833	$5,783	$6,200
	SUPPLIES	$51,345	$49,762	$50,727
2	TOTAL EXPENSES	$143,114	$128,092	$130,744
	TOTAL PARK & RECREATION	$647,606	$556,682	$620,006
3	FEE SUPPORTED PROGRAMS	$578,667	$550,000	$0
	POOL			
	SALARIES	$165,011	$135,000	$21,700
4	TOTAL PERSONNEL SERVICES	$165,011	$135,000	$21,700
	PURCHASE OF SERVICES	$52,713	$46,000	$10,500
	UTILITIES	$56,128	$55,000	$57,500

	FISCAL YEAR 2007 BUDGET	EXPENDED FY 2005	APPROPRIATED FY 2006	REQUESTED FY 2007
	SUPPLIES	$7,139	$9,000	$31,010
5	TOTAL EXPENSES	$115,980	$110,000	$99,010
	TOTAL POOL	$280,991	$245,000	$120,710
	TOTAL PARK & RECREATION	$1,507,264	$1,351,682	$740,716
	DEBT AND INTEREST			
	DEBT SERVICE	$3,752,423	$3,665,900	$3,668,313
1	TOTAL EXPENSES	$3,752,423	$3,665,900	$3,668,313
	TOTAL DEBT AND INTEREST	$3,752,423	$3,665,900	$3,668,313
	UNCLASSIFIED			
	INSURANCE GENERAL	$373,412	$361,200	$475,000
	INSURANCE 32B	$3,804,929	$4,400,000	$5,055,000
	MEDICARE	$350,000	$375,000	$450,000
	UNEMPLOYMENT	$62,753	$55,000	$65,000
	NON CONTRIBUTORY RETIREMENT	$11,824	$12,000	$12,000
	PENSION DISABILITY	$10,000	$10,000	$10,000
	RESERVE FOR SAL SETTLEMENT	$0	$505,000	$60,000
	OCCUPATIONAL HEALTH NURSE	$7,299	$7,500	$2,000
	EMPLOYEE ASSISTANCE PROGRAM	$4,800	$4,800	$5,000
	TOWN MEETING	$35,149	$16,000	$17,000
	STREET LIGHTING	$109,722	$113,000	$130,000
	RESERVE FUND	$0	$201,000	$201,000
1	TOTAL UNCLASSIFIED	$4,769,888	$6,060,500	$6,482,000
	GRAND TOTAL BUDGET	$47,386,253	$48,936,453	$50,803,581

	CAPITAL BUDGET		RECOMMENDED	
	SELECTMEN			
1	TOWN BUILDING REPAIRS	E	$240,000	BORROW
	INFORMATION TECHNOLOGY			
2	EQUIPMENT		20,000	BORROW
	TOWN CLERK-ELECTIONS			
3	EQUIPMENT		30,000	BORROW
	FIRE DEPARTMENT			
4	EQUIPMENT	E	$350,000	BORROW
	HIGHWAY			
5	DUMP TRUCK		$125,000	BORROW
	BOARD OF HEALTH -LANDFILL			
6	2 OPEN TOP CONTAINERS		$15,000	BORROW
7	PAVING & SEALING		$30,000	BORROW
	LIBRARY			
8	ROOF/BUILDING REPAIRS	E	$375,000	BORROW
	PARK AND RECREATION			
9	BACKHOE LOADER		$90,000	BORROW
10	LEAF COLLECTION SYSTEM		$30,000	BORROW
	SCHOOL DEPARTMENT			
11	TECHNOLOGY		$150,000	BORROW
12	HAPPY HOLLOW REPAIRS	E	$700,000	BORROW
13	MISC BUILDING REPAIRS		$100,000	BORROW
14	EQUIPMENT		$40,000	BORROW
	GRAND TOTAL		$2,295,000	

E = PROPOSED DEBT EXEMPT ITEMS

ARTICLE 6: WATER DEPARTMENT MAINTENANCE BUDGET

Proposed by: Board of Water Commissioners *Estimated Cost: $1,857,782*

To determine whether the Town will vote to appropriate a sum of money to be expended by the Board of Water Commissioners for the operation and expenses of the Water Department; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by grants received from the Commonwealth or Federal Government, by borrowing or otherwise.

WATER DEPARTMENT BUDGET FY 2007

	EXPENDED FY 2005	APPROPRIATED FY 2006	REQUESTED FY 2007
Operating Budget:			
Salaries	$598,050	$644,213	$697,682
Total Personnel Services	$598,050	$644,213	$697,682
Purchase of Services	$213,500	$257,000	$331,000
Utilities	$151,300	$179,400	$192,000
Supplies	$199,900	$272,000	$274,600
Debt Service	$401,983	$520,851	$362,500
Total Expenses	$966,683	$1,229,251	$1,160,100
Total Water Department	**$1,564,733**	**$1,873,464**	**$1,857,782**

CAPITAL REQUEST		
VEHICLE	BORROW	$35,000
BALDWIN TREATMENT PLANT CONSTRUCTION	BORROW	$7,500,000

FINANCE COMMITTEE COMMENTS: This article approves the Water Department Operating and Capital Budgets for fiscal 2007. The operating budget reflects a decline of $15,682, or a reduction of 1% from the 2006 budget. The decrease is primarily from the reduction of debt service of $158,000, as 1996 and 1997 borrowings have now been paid off. This decline is offset by increases of: 1) salary costs of $53,000 primarily due to the contracted labor rate increases and the expected increase for a new water superintendent planned to be hired in the future; 2) an increase of $74,000 for purchase of services consisting of Town administrative fees allocated to support Water operations, which has not been charged to the water budget in the past, and due to an increase in water testing to comply with the DEP's consent order; 3) an increase of $12,600 for rising utility costs; and 4) a $2,000 increase in supplies. The total operating budget will be funded through fees billed for water use.

Capital includes $35, 000 for a replacement truck and $7.5 million for the construction of a water treatment plant at the Baldwin Pond well-field. The requirement for the water treatment plant is required to improve water quality and to purify the water due to incidents of "dirty water" and higher evidence of manganese and iron, although still within acceptable levels. Also, it is expected that the state and federal government will issue mandates that water be pumped through treatment facilities. The $7.5 million estimate is $2.5 million higher than expected, which had been described in the 2005 Town Meeting Article that approved $300,000 for design of the water treatment plant. At that time

the Water Commissioners believed that an ultra filtration system would meet the DEP requirements. Subsequently, it was concluded that chemical pre-treatment combined with ultra-filtration would be required to meet DEP standards. The expanded design and construction is estimated to cost $7.5 million, which will be borrowed and repaid over 30 years. Once tests are finalized, the DEP is expected to approve the design with construction anticipated to commence during spring / summer 2007.

ARGUMENTS IN FAVOR: This article authorizes the expenditure of funds needed to operate the Water Department. Water usage fees will be sufficient to fund the operating budget.

The higher incidence of "dirty water" and higher contents of iron and manganese require that water be treated through a filtration system. If the water is not treated and the water quality deteriorates, the Baldwin Pond wells and pumping station might have to be closed. In this event (although unforeseen), all water for the town would have to be pumped from the Happy Hollow wells, which would be sufficient to provide water to the residents, but would require strict conservation and a ban on outside watering. Construction of this facility would alleviate the problem. Other benefits of a filtration system will be: extending the life of piping; will meet strict governmental drinking water regulations; and, there should be an improvement in the taste of the water.

ARGUMENTS OPPOSED: It could be argued that the Water Department should reduce its expense levels to reflect the savings from the reduction in debt payments and not increase expenditures from its fiscal 2006 levels.

The overall cost (principal and interest) of the water treatment facility of $7.5 million will require an increase to water rates and initially would add approximately $115 annually to the average homeowner's water bill declining to approximately $55 as the debt is paid down.. In addition, the treatment plant would have to be manned by water department personnel. This may add additional operating cost to the annual budget.

The Baldwin well fields only supply part of the town with the Happy Hollow wells supplying the balance of the town. It is anticipated that a second water treatment facility may be required, or mandated, in the future for the Happy Hollow wells at a cost of approximately $3 million further increasing the water bills.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 7-0.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8.

ARTICLE 7: WAYLAND/SUDBURY SEPTAGE TREATMENT FACILITY BUDGET

Proposed by: Septage Committee *Estimated Cost: $813,038*

To determine whether the Town will vote to appropriate a sum of money to be expended by the Septage Committee for the operation and capital improvement of the Wayland/Sudbury septage treatment facility; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

	EXPENDED FY2005	APPROVED FY2006	RECOMMENDED FY2007
OPERATING BUDGET			
SALARIES	$177,576	$131,034	$229,494
TOTAL PERSONNEL SERVICES	$177,576	$131,034	$229,494
PURCHASE OF SERVICES	$304,435	$461,172	$380,544
UTILITIES	$44,000	$45,000	$68,000
SUPPLIES	$23,321	-	$81,000
CAPITAL/REPAIRS			$35,000
DEBT SERVICE	$65,340	$65,340	$19,000
TOTAL EXPENSES	$437,096	$571,512	$583,544
TOTAL SEPTAGE DEPARTMENT	**$614,672**	**$702,546**	**$813,038**
CAPITAL - PLANT UPGRADE - NITROGEN		**BORROW**	**$200,000**

FINANCE COMMITTEE COMMENTS: This article provides funds for the annual operation of the Wayland/Sudbury Septage Treatment Facility. In addition to operating expenses, the budget includes a $50,000 reserve for extraordinary or unforeseen expenditures, $19,000 for debt and interest obligations on new debt (explained below), and $285,000 in capital expenses to repair the roof and meet DEP requirements to upgrade the facility. Many expense categories were realigned from FY06 so year-to-year comparisons must be done carefully.

For FY07, the Facility expects to receive grease and hauler flow equal to 88% of its permitted (25,000 gallons per day) flow. This equates to about $664,000 of FY07 projected flow revenue. With interest earnings estimated at $25,000, the Facility projects a revenue budget of $689,000. The difference between the projected revenue and expenditure budgets ($124,000) will be financed from retained earnings.

The Personal Services categories fund a 9% increase in wages and a 40% increase in overtime (due to plant upgrade and increased gallonage). The rest of the Personal increase is due to the assumption of the financial responsibility for retirement benefits of past and present Septage employees by the Septage Committee (this was previously paid by Town of Wayland).

There will be no cost to the Town associated with this article, as the Facility is a self-funding enterprise account.

FY2005 Results (unaudited financial results): The Facility received $609,204 from various sources on a cash basis during FY2005. This represents an increase in receipts of over $85,000 from the previous year. FY2005 expenditures were $614,672, down from the prior year. Although the income trend is positive, the Facility had a small operating loss of $5,468 in FY2005. Due to increased flow capacities during the trial phase of the denitrification project, there is a projected surplus for FY06.

The Facility expects a 20% increase in gallons processed in FY2007. As a result, revenues are expected to be 28% above FY2006, mostly due to gallonage increase. However, the FY06 and FY07 projections below are conservatively based on the lower flow rates (25,000 gpd).

A summary of this data is presented below:

Operating Results	FY2003	FY2004	FY2005	Projected FY2006	Projected FY2007
Receipts	$457,489	$523,868	$609,204	$732,618	$689,000
Expenditures	($557,500)	($659,534)	($614,672)	($702,546)	($813,038)
Surplus/(Deficit)	($100,011)	($135,666)	($5,468)	$30,072	($124,038)

Accounts Receivable: Receivables vary month to month, but January 2006's numbers are typical: $174,281 total receivables, $30,512 (18%) of which is more than 90 days in arrears. No receivables have ever been written off, nor are problems anticipated with the outstanding amount.

Debt Service: The Facility paid off its prior debt in FY2006. New borrowings are being contemplated for $200,000 of the $250,000 expense to upgrade the Facility to meet DEP requirements regarding denitrification. Borrowing over a 20 year period results in a principal and interest payment of approximately $19,000 (budgeted). If the borrowing period is shortened to 10 years, the principal and interest payment is about $29,000 in FY2007. $50,000 of the $250,000 denitrification project will be paid with funds carried over from FY06, and the $35,000 for the roof repair will be funded from the operating budget. Neither will require borrowings.

Retained Earnings: The unaudited retained earnings (unrestricted net assets) balance at June 30, 2005 is $630,962, an increase of $59,932 over FY2004. The FY06 budget anticipates adding to retained earnings, and the FY07 budget anticipates using $124,000 in retained earnings to balance that budget.

Capital Budget: The Facility requests $285,000 in capital expenses: $35,000 to repair a roof (paid from FY07 operating expenses), $50,000 from FY06 monies, and $200,000 (to be borrowed over 20 years) for plant upgrades. In FY2005, the Septage Committee and DEP entered into a consent decree to incorporate denitrification of the septage plant effluent into the treatment process. During FY2005 and FY2006, under the guidance of Camp Dresser McKee (CDM), the septage facility has operated a pilot project to achieve the mandated denitrification through an innovative re-use of the plant's filtration technology. This pilot has been successful, and the Facility is now seeking DEP approval to move it into full-scale production, which necessitates a facility upgrade of approximately $250,000.

The Septage Committee may have adequate retained earnings to cover the cost of this plant upgrade without borrowing, but has chosen to authorize borrowing these funds, in order to maintain retained earnings and to provide financing flexibility, at the request of the Wayland Finance Committee. Under the terms of the Intertown Agreement between Wayland and Sudbury, all borrowing is done through Wayland, thus the requirement that Wayland Town Meeting approve this borrowing.

Future Issues – Permit Renewal: The Massachusetts Department of Environmental Protection (DEP) is currently reviewing the Facility operating permit for renewal. The denitrification upgrade is designed to reliably meet DEP's nitrogen limits while operating at a 30% higher flow rate than currently permitted. The Facility has experienced strong regional demand for septage processing over the past year; they anticipate seeking an increase to the discharge permit to enable them to service that need. This may generate more revenues, enabling them to become and remain profitable at competitive tipping rates.

The Wayland Sudbury Septage Committee continues to work closely with DEP to monitor deadlines and meet project upgrade requirements. FY07 should see the conclusion to the permitting process.

ARGUMENTS IN FAVOR: This article authorizes the expenditure of funds needed to operate the Wayland/Sudbury Septage facility. It is anticipated that user fees will be sufficient to fund the operating budget and add to retained earnings.

The Septage Committee has worked hard to increase revenues, encourage increased hauler flow and reduce expenses with the goal of building retained earnings and operating at a profit. The Facility operates as an enterprise fund with no subsidy from the General Fund.

The Facility represents a convenient, cost efficient treatment facility for the haulers, and the Septage Committee argues that this is reflected in the rates being charged to the residents of Wayland and Sudbury.

ARGUMENTS OPPOSED: It could be argued that the Septage facility should reduce its expense levels to reflect the savings from the reduction in debt payments and not increase expenditures.

The FY07 budget uses $124,000 from retained earnings to balance the difference between expected revenues and budgeted expenses.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 6-0.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8.

ARTICLE 8: WASTEWATER MANAGEMENT DISTRICT COMMISSION BUDGET

Proposed by: Wastewater Management District Commission *Estimated Cost: $202,989*

To determine whether the Town will vote to appropriate a sum of money to be expended by the Wastewater Management District Commission for the annual operating expenses of the Wayland Wastewater Management District; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds appropriated for another purpose, by borrowing or otherwise.

WASTEWATER MANAGEMENT DISTRICT COMMISSION BUDGET FY 2007

	EXPENDED FY 2005	APPROPRIATED FY 2006	REQUESTED FY 2007
Purchase of Services	$120,947	$135,000	$145,139
Capital	5,274	15,000	26,750
Debt Service	28,641	31,091	31,100
Total Expenses	**$154,862**	**$181,091**	**$202,989**
Anticipated Revenue	$216,410	$149,591	$168,784
Retained Earnings		31,500	34,205
		$181,091	$202,989
Actual Revenue	**$198,741**		

FINANCE COMMITTEE COMMENTS: This article continues the funding of the Wastewater Management District Commission, which owns and operates a wastewater treatment facility located at the Wayland Business Center office complex. Nearby Route 20 residents and businesses and the new

Public Safety building are users, the Town building and the library are potential users. A substantial portion of the facility's capacity is reserved for use by occupants of the office complex. The expenses of the system, including debt payment for the initial bonding, are borne by revenues from the users and by charges for betterments.

Although 2005 revenues surpassed expenses they declined slightly from 2004, expenses are also rising, and water conservation efforts during the year by the users reduced the amounts from those anticipated, and will affect 2006 and 2007 results negatively requiring the use of retained earnings to balance expenses. As of 30 June 2005 approximately $215,000 was available from retained earnings for this purpose.

The facility is underutilized and would benefit from the development of Wayland Commons (previously Wayland Meadows) housing on Rte. 27 and/or increased proceeds from the Business Center. Additional costs resulting from new DEP requirements are also pending within the next year or two. In the absence of additional users rates would probably have to be raised, although an initiative passed at the November 05 STM, and now awaiting state approval would allow distribution of user costs by assigned capacity rather than actual usage, and would raise the total revenues substantially.

ARGUMENTS IN FAVOR: This article provides sufficient funds for the operation of the facility at present.

ARGUMENTS OPPOSED: There are none evident.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-0.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8.

ARTICLE 9: COMPENSATION FOR ELECTED OFFICIAL

Proposed by: Board of Selectmen

To determine whether the Town will vote to fix the salary and compensation of the elected Town Clerk pursuant to Massachusetts General Laws Chapter 41, Section 108, to be effective July 1, 2006, which salary and compensation is printed below.

SALARY SCHEDULE – ELECTED TOWN OFFICIALS

	FY 2006	FY 2007
Town Clerk	$64,148	$67,396

FINANCE COMMITTEE COMMENTS: This is a standard article that permits the Town to pay the Town Clerk. The salary of the Town Clerk does not fall within the Personnel Wage and Salary Classification Plan, because it is an elected position. As a result, Town Meeting must approve pay increases for the Town Clerk. Appointed Department heads enjoy benefits not available to elected officials, such as automatic step increases, merit increases that recognize performance, and cost of living adjustments. The only course of action for the Town Clerk is to place an article in the Warrant and a line item in the budget (the article sets the salary, the budget appropriates the monies) calling for a salary increase.

ARGUMENTS IN FAVOR: The salary proposed reflect a fair and in some cases minimal compensation for work performed.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any arguments in opposition.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-0.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 41, Section 108.

ARTICLE 10: PAY PREVIOUS FISCAL YEAR UNPAID BILLS

Proposed by: Board of Selectmen *Estimated Cost: Unknown*

To determine whether the Town will vote to:

(a) pay the bills of the prior Fiscal Years,

(b) appropriate a sum of money for the payment of the foregoing bills of prior fiscal years; and

(c) provide for such appropriation by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

FINANCE COMMITTEE COMMENTS: Occasionally, bills are not paid at the end of a fiscal year for a number of reasons, including late submission. At the printing of the warrant there were no known unpaid bills.

ARGUMENTS IN FAVOR: This is a bill for services that the Town has received, and it should be paid.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 7-0.

QUANTUM OF VOTE: Four-fifths – see Massachusetts General Laws Chapter 44, Section 64.

ARTICLE 11: ACCEPT LAW INCREASING REAL ESTATE TAX EXEMPTION AMOUNTS

Proposed by: Board of Selectmen and Board of Assessors

To determine whether the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and allow an additional exemption of up to one hundred percent for Fiscal Year 2007.

FINANCE COMMITTEE COMMENTS: This is an annual article that provides for tax exemptions to assist elderly and other fixed-income residents. With passage of this article at each Annual Town Meeting, certain residents may avail themselves of exemptions in the following amounts: $350 for widow/widower; $875 for the blind; $1000 for the elderly; and $500 for disabled veterans. The title of the Article refers to "*Increasing* Real Estate Tax Exemption Amounts" because the exemptions listed above are double the amounts in the state statute. This Article does not propose an increase over the

exemption granted in last year's Article. Further, the exemption shall not result in any taxpayer paying less than the taxes paid in the preceding fiscal year. In FY05, 119 taxpayers were granted exemptions for a total of $133,076 in tax relief.

ARGUMENTS IN FAVOR: This article adds minimal tax burden to each taxpayer and provides needed support to the elderly and certain residents coping with the increasing burden of paying property tax on fixed incomes.

ARGUMENTS OPPOSED: To allow the exemptions to eligible residents, the other taxpayers must pay more tax.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-0.

QUANTUM OF VOTE: Majority – see Section 4 of Chapter 73 of the Acts of 1986.

ARTICLE 12: SELL OR TRADE VEHICLES AND EQUIPMENT

Proposed by: Board of Selectmen

To determine whether the Town will vote to authorize the Board of Selectmen to sell or otherwise dispose of the following surplus vehicles, equipment, or other personal property in connection with the purchase of new vehicles, equipment, or other personal property.

Department	Vehicle/Equipment	Year
Highway	Two (2) International S2500 Permanent Mount Sanders	1988

FINANCE COMMITTEE COMMENTS: This standard article allows the Town to sell used vehicles or other personal property.

ARGUMENTS IN FAVOR: The selling of used property contributes to the Town's general fund.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 7-0.

QUANTUM OF VOTE: Majority.

ARTICLE 13: ACCEPT GIFTS OF LAND

Proposed by: Board of Selectmen

To determine whether the Town will vote to accept real property or interests in real property which have been tendered to it as a gift, by devise, or otherwise.

FINANCE COMMITTEE COMMENTS: This standard article allows the Town to accept gifts of land. At the time of the printing of the Warrant, there were no known gifts of land.

ARGUMENTS IN FAVOR: Acquisition of land by the Town gives the Town more control over the use of such land.

ARGUMENTS OPPOSED: Land given to the Town may result in a slight loss of taxable real estate.

RECOMMENDATION: The Finance Committee defers a recommendation until Annual Town Meeting. Vote: 7-0.

QUANTUM OF VOTE: Majority.

ARTICLE 14: RESCIND AUTHORIZED BUT UNISSUED DEBT

Proposed by: Board of Selectmen

To determine whether the Town will vote to rescind the $2,296,600 remaining from the borrowing authorized at the town meetings listed below:

Item Description	Warrant Article #	Town Meeting Year	Amount Authorized
Land Acquisition	30	Annual Town Meeting 1973	$84,600.00
Land Acquisition	14	Special Town Meeting 1989	$350,000.00
Landfill	21	Annual Town Meeting 1996	$175,000.00
Resident Environmental Project	39	Special Town Meeting 1996	$50,000.00
Raytheon Land	37	Annual Town Meeting 2000	$1,325,000.00
Land Acquisition	25	Annual Town Meeting 2000	$50,000.00
Town Center	37	Annual Town Meeting 2001	$235,000.00

FINANCE COMMITTEE COMMENTS: This article rescinds borrowing authorizations that are no longer necessary because the relevant projects have been either completed, are no longer being considered for purchase, or have been inactive.

Land Acquisition In 1973, Town Meeting voted to authorize the Town to borrow $84,600 for the acquisition of a parcel of land at 223 Concord Road. In 1989, Town Meeting authorized an additional $350,000 for the potential purchase bringing the total to $434,600. In 1993, Sudbury Valley Trustees acquired the land, sold a portion for development, and maintained the balance as conservation land. Therefore, the land is no longer being considered for purchase by the Town.

Landfill In 1996, Town Meeting voted to authorize the Town to borrow $175,000 for the design and installation of a methane gas mitigation system at the landfill. Subsequently, the needed funds were appropriated through the Road Commissioners who controlled the facility at the time. The project was ultimately performed by landfill personnel at a substantially lower cost. Since the project is completed, and funded through other sources, this authorization to borrow is no longer necessary.

Residential Environmental Project In 1996, Town Meeting voted to authorize the Town to borrow $50,000 to use, if necessary, for the removal or replacement of failing septic systems and for the removal of dangerous levels of lead paint from properties determined to violate health standards. Since 1996, the State has developed a program that benefits homeowners by providing low cost loans to homeowners. Therefore, the Town's need to borrow for such compliance emergencies has been substantially mitigated and is deemed no longer necessary.

Raytheon Land In 1998, the Raytheon parcel was acquired by a developer. The land was subdivided and in 2000, Town Meeting voted to authorize the Town to borrow $1,325,000 to purchase a portion of the land. The Town wanted to buy the parcel from the developer, but could not come to terms on

price. The land is no longer available as it is being privately developed and thus the authorization to borrow is no longer required.

Land Acquisition In 2000, Town Meeting voted to authorize the Town to borrow $50,000 for the acquisition of a parcel of land at 265 Concord Road. This parcel abuts the property at 223 Concord Road mentioned above. The owner of the land would like to build on it, however, the Wayland Planning Board and Road Commission will not issue a permit due to wetland considerations. The owner has lost in land court twice. Should the landowner abandon his plans to develop the parcel, he may offer it to the Town at some undetermined value. Since resolution of whether the property will be offered to the Town, at what price and at what point in time remains undetermined. Therefore the authorization to borrow is not currently necessary.

Town Center Not to be confused with the current Town Center project, this item refers to the 2001 authorization at Town Meeting for the Town to borrow $235,000 to fund improvements to the intersection at Routes 20, 27 and 126. Subsequently, the improvements were funded by the State. Therefore, the authorization to borrow is no longer necessary.

ARGUMENTS IN FAVOR: Approval of this article will remove the authority to borrow for items that are no longer considered necessary. This action would increase the borrowing capacity of the Town should more ability to borrow be needed.

ARGUMENTS IN OPPOSED: Some may wish to revisit the rationale for not proceeding with these previously approved projects.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 7-0.

QUANTUM OF VOTE: Majority.

ARTICLE 15: AUTHORIZE TREASURER TO BORROW

Proposed by: Board of Selectmen

To determine whether the Town will vote to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow monies from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2006, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 4 and Chapter 849 of the Acts of 1969, both as amended, and to issue a note or notes therefor, payable within one year, and to renew any note or notes that may be given for a period of less than one year in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 17, as amended.

FINANCE COMMITTEE COMMENTS: This standard article provides for short-term borrowing in case of need, pending collection of real estate taxes.

ARGUMENTS IN FAVOR: This article allows the Town flexibility in managing its finances.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-0.

QUANTUM OF VOTE: Majority – See Massachusetts General Laws, Chapter 44, Section 4.

ARTICLE 16: PERSONNEL BYLAWS AND WAGE AND CLASSIFICATION PLAN

Proposed by: Personnel Board

To determine whether the Town will vote to amend the Code of the Town of Wayland, Chapter 43, PERSONNEL, and the Personnel Wage and Salary Classification Plan (Appendix C) previously adopted by the Town by making the following additions, deletions modifications thereto, any by establishing effective dates for such amendments.

FINANCE COMMITTEE COMMENTS: The Wage and Classification Plan allows for systematic wage increases based on employee longevity and provide for a reasonable wage growth. The Wage Classification Tables, as included in this warrant, incorporate the salary increases for all employees as of July 1, 2005 and the proposed salary increases for July 1, 2006 for non-union employees and those union employees in bargaining units with executed labor contracts. The increases effective for July 1, 2006 are included in the 2007 Budget and reflect a 3 ½% increase for all employees, except non-union hourly and seasonal workers who will not be receiving an increase. In addition, the tables do not include an increase for police employees that are members of the police union as that contract has not been settled. Note: only non-union positions are required to be shown in the warrant. Traditionally, union positions are included for informational purposes only.

ARGUMENTS IN FAVOR: The Wage and Salary Classification Plan allow for systematic increases based on employee evaluations and longevity and provide for reasonable salary growth given current economic conditions. Changes to the union schedules are required to reflect new salary levels that result from the executed union contracts, and changes to the non-union salary schedules reflect increases comparable to the union negotiated increases.

ARGUMENTS OPPOSED: The salary increases may be considered too high given the Town's current financial situation.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 7-0.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 41, Section 108A.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendments are consistent with Massachusetts and federal law. (See Chart at Appendix C)

ARTICLE 17: ACCEPT LAW RE: TRANSFER OF RETIREES TO MEDICARE EXTENSION PLAN

Proposed by: Board of Selectmen

To determine whether the Town will vote to accept the provisions of Massachusetts General Laws Chapter 32B, Section 18.

FINANCE COMMITTEE COMMENTS: By adopting Chapter 32B, section 18 of the M.G.L., retirees or spouses eligible for Medicare Part A, either through the retirees own earnings or those of a spouse, must enroll in Medicare Part B, if eligible, and enter a senior supplemental plan.

The Town currently provides health insurance for retired employees and their families. For FY2006, retirees accounted for 29% ($1,253,400) of the Town's annual health care expense. Of the 314 retirees

presently enrolled in health care plans, 158 are enrolled in Medicare Parts A and B and senior plans. The remaining 156 are enrolled in plans made available to active employees.

Employees hired after April 1, 1986 are subject to the Medicare tax (1.45%) and thereby eligible to enroll in Medicare Parts A and B. Only those employees who have had Medicare taxes withheld, or whose spouse qualified through their employment, would be affected by Town Meeting acceptance of Section 18 of MGL Chapter 32B.

The Town's data indicates that 43 retirees might be eligible for Medicare Part B. A chart detailing the financial impact to eligible retirees if this article is accepted appears in Appendix D. All retirees currently enrolled in family plans would save money by transferring to Medicare Part B and an equivalent senior plan. Retirees enrolled in individual plans would experience slight savings or increases by changing to an equivalent senior plan and Medicare Part B. Potential estimated savings to the Town in the first year range from $127,401 to $67,406 depending on the senior supplemental plans chosen by retirees. However, given that over time all retirees will become Medicare Part B eligible, the long-range savings are substantially greater than first year savings.

If Section 18 is adopted and the eligible retiree did not file for Medicare plans as directed, he/she would forfeit his/her existing health care coverage.

ARGUMENTS IN FAVOR: Spiraling health insurance costs is the most significant budget issue facing the Town of Wayland. Over the past two years Wayland has been active in attempting to control costs within the limitations of the collective bargaining agreements and M.G.L. Chapter 32B, which governs insurance for municipal workers, retirees' spouses and dependents. The Town budgeted $2,206,000 for healthcare premiums in FY2002. This expense has grown to $5,055,000 on FY2007. To address this issue, the Selectmen formed a sub-committee in 2004 to review health insurance plans being offered to active and retired employees. As one of a number of health care cost saving measures, the sub-committee recommended that the Selectmen petition Town Meeting to accept this state statute. Active employee healthcare costs will be addressed this fall as part of contract renewal discussions.

Approximately one half of the towns that comprise our health consortium (WSHG) have adopted Section 18. The remaining towns are contemplating adopting Section 18 this year. A recent Metropolitan Area Planning Council survey noted that 73 of 136 cities and towns either formally or informally require retirees to enroll in Medicare Part B.

If some or all of the remaining WSHG member towns adopt Section 18, it will remove a large portion of the high-risk participants from the annual experience pool for rate setting purposes. This will financially benefit the Town and employees participating in the active plans.

An identical article was defeated at Special Town Meeting in 2004. The primary argument opposed questioned the actuarial comparability between Medicare Part B coupled with supplemental plans and the retirees' existing coverage. This fall, WSHG contracted with the Segal Co. to conduct an actuarial study. Segal has certified that the supplemental plans, when combined with Medicare Parts A and B, are of comparable actuarial value to existing coverage.

In an effort to better educate all parties, informational packets were mailed to retirees' homes in March. In addition, two public forums have been held prior to Annual Town Meeting.

This article represents one of the five key budget stability initiatives advocated by the Finance Committee. Acceptance is essential to avoiding annual budget deficits.

ARGUMENTS OPPOSED: Acceptance of this article will reduce health care plan options currently available to retirees who were hired after 1986. Additionally, although a remote possibility, it is possible that some retirees' doctors might not accept Medicare insurance. These retirees would need to seek an alternate doctor or medical group.

Depending on the supplemental plan chosen by the individual retiree, the monthly healthcare premium might be greater than the current monthly premium.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 6-0.

QUANTUM OF VOTE: Majority

ARTICLE 18: WAYLAND HIGH SCHOOL BUILDING REPAIRS

Proposed by: School Committee *Estimated Cost: $50,000*

To determine whether the Town will vote to appropriate a sum of money to be expended by the School Committee for repairs and improvements to Wayland High School to address findings of the New England Association of Schools and Colleges relative to the physical conditions of the Wayland High School; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing or otherwise.

FINANCE COMMITTEE COMMENTS: Wayland High School participates in a 10-year accreditation cycle with the New England Association of Schools and Colleges (NEASC). Almost all high schools and colleges in New England receive accreditation through this association. The NEASC audited Wayland High School last spring and released their final report last fall. The NEASC commended Wayland High School across a broad spectrum of educational standards; however, the NEASC found the Wayland High physical plant unable to meet certain educational requirements, as well as federal and state code compliance in key areas involving health and safety.

This article will fund payment for modest consultation services with building construction experts to develop a comprehensive and prioritized short-term corrective action life-safety plan for the Wayland High School facility. A portion of the $50,000 will also be allocated toward prioritized repairs as identified under this life-safety action plan. It is anticipated that additional funds will be required to complete all health and safety recommendations.

The NEASC typically allows a school district two years to develop a corrective action plan, but because many issues involved health and safety, the NEASC set a deadline of April 1, 2006 for Wayland High School to submit a preliminary progress report detailing how Wayland will improve the physical plant. Below is a list of key health and safety recommendations made by the NEASC:

1. Provide a facility that is fully in compliance with all building codes. Install sprinkler systems in all areas of the building to which student have access.
2. Correct all electrical system deficiencies and correct the conditions preventing proper air quality, heating and ventilation in all spaces used for instruction.

3. Provide a facility that is fully in compliance with ADA handicapped accessibility requirements.
4. Correct the conditions causing improper lighting, including glare.

On March 15, 2006, the Wayland High School Administration submitted their required progress report as requested by the NEASC. As an action item to the NEASC report, the Wayland High School Administration proposed this warrant article within the context of a long-range plan to remedy numerous deficiencies at the High School.

ARGUMENTS IN FAVOR: The New England Association of Schools and Colleges (NEASC) in their October 2005 Accreditation Report expressed serious concerns with regard to the Wayland High School facilities, citing 13 separate facilities, space and health and safety deficiencies. As a result, they instructed the Wayland High School Administration to submit a preliminary plan by April 1, 2006 to correct such deficiencies, a full 18 months before such a plan is typically required. Over time, if Wayland fails to demonstrate adequate progress to the NEASC, the NEASC can recommend that Wayland High School be placed on probation, with the possible outcome of termination of accreditation. However, passage of this article will demonstrate progress and our intent to address the deficiencies as raised in the NEASC report.

Moreover, since any major renovations or rebuilding of a Wayland High complex cannot be completed before 2011 at the earliest, immediate action must be taken on current life and safety code issues sited at the High School. The Town has a responsibility to provide a safe and healthy school environment for our children.

This initial funding, which allows the schools to receive the necessary expertise to determine and make the essential health and safety repairs, is the first stage of a long-range plan to renovate the High School. Such funding is not normally considered part of the School's operating budget.

ARGUMENTS OPPOSED: Approval of this article will authorize a $50,000 expenditure which is not included in the Finance Committee's recommended FY2007 operating or capital plan. Given the financial constraints of the Town, building consulting services should be funded from the FY2006 Wayland School System operating budget in order to immediately address any safety needs at the High School.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-1.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7.

ARTICLE 19: EXCHANGE OF A PORTION OF THE FORMER NIKE SITE HOUSING LAND FOR A PORTION OF THE FORMER NIKE SITE PASSIVE AND ACTIVE RECREATION LAND

Proposed by: Board of Selectmen, Nike Site Reuse Advisory Committee, Wayland Housing Authority, Wayland Housing Partnership, Park & Recreation Commission, and Conservation Commission

To determine whether the Town will vote to:

(a) instruct the Board of Selectmen, with the approval of Town Counsel as to form, to transfer the care, custody , management and control of the area of land containing .73 of an acre, more or less, shown as Parcel D on the plan entitled "Plan of Land in Wayland, Massachusetts Prepared for the Wayland Board of Selectmen, Former Nike Site, Oxbow Road", prepared by the Town of Wayland Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated January 3, 2006, (the "Exchange Plan"), a copy of which is on file in the office of the Town Clerk, from the Board of Selectmen to the Park and Recreation Commission, for park and recreation purposes, in exchange for the transfer from the Park and Recreation Commission of the care, custody, management and control of a substantially equal area of land shown as Parcel B on the Exchange Plan;

(b) instruct the Park and Recreation Commission, with the approval of Town Counsel as to form, to transfer the care, custody, management and control of the area of land containing .73 of an acre, more or less, shown as Parcel B on the Exchange Plan to the Board of Selectmen for municipal purposes including, and limited to, housing, conservation, park, passive and active recreation, and any combination of such purposes in exchange for the transfer from the Board of Selectmen of the care, custody, management and control of a substantially equal area of land shown as Parcel D on the Exchange Plan; and

(c) authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act to authorize the change in use of Parcel B as shown on the Exchange Plan from public park land to uses for other municipal purposes, including, and limited to, housing, conservation, passive and active recreation, and any combination of such purposes.

FINANCE COMMITTEE COMMENTS: At Special Town Meeting in May 2004, approval was given for the acquisition of approximately 13.46 acres of land owned by the United States of America located on Oxbow Road, Wayland, MA (the "Site").

The Board of Selectmen also was authorized to prepare design and development guidelines and pursue a plan for the development by the Town or a not-for profit or for-profit private developer, of up to sixteen (16) housing units on not more than 3.5 acres of the Site, with a priority given to the development of affordable housing within the meaning of the Commonwealth of Massachusetts Department of Housing and Community Development's affordability guidelines.

In addition, the Board of Selectmen was required to include, in any plan for the ultimate use of the Site, an approximately fifty (50) foot wide buffer around the perimeter of the Site, except for the entrance at Oxbow Road, that is designated for conservation and pedestrian trail use in perpetuity ("Conservation and Trail Land").

Prior to its acquisition by the Town, the land was subdivided into two lots, i.e., Lot 1 (comprised of Parcels A and B as shown on the Exchange Plan) and Lot 2 (comprised of Parcels C and D as shown on the Exchange Plan).

Lot 1, which contains approximately 10.71 acres, was acquired from the National Park Service for no consideration other than the Town's agreement to use and maintain the property, in perpetuity, exclusively for public park and recreation purposes.

Lot 2, which contains approximately 2.75 acres, was acquired from the United States of America, acting through the Administrator of General Services ("GSA"), in consideration for a cash payment of $395,000. Funding for this acquisition was provided by the Community Preservation Fund.

The Board of Selectmen originally had planned to acquire approximately 3.5 acres of the Site for housing purposes, approximately 2.75 acres to be used for the housing units and the remaining .75 acres to be used as Conservation and Trail Land. However, the GSA's asking price for a lot of this size exceeded the $400,000 appropriation approved by Special Town Meeting, so the final lot size had to be reduced to 2.75 acres.

After providing for an approximately fifty (50) foot wide buffer for use as Conservation and Trail Land, the total usable portion of Lot 2 remaining for the housing units is approximately 2.0 acres. While the Town's architect has been able to develop a site plan that will accommodate up to sixteen housing units, a larger building area would allow for a less dense and potentially more attractive project.

The National Park Service and GSA have agreed to allow the Town to affect an inter-board reciprocal transfer of Parcel B as shown on the Exchange Plan, an approximately .73 acre portion of Lot 1 (which is otherwise to be used for active and passive recreation) for Parcel D as shown on the Exchange Plan, a similarly sized portion of Lot 2.

If the proposed inter-board reciprocal transfer is approved by Town Meeting and the State legislature approves the special act required to change the use and approve the inter-board reciprocal transfer of Parcel B as shown on the Exchange Plan, the entire fifty (50) foot wide buffer within Lot 2 will become part of Lot 1A as shown on the Exchange Plan and will be used and maintained, in perpetuity, exclusively for public park and recreation purposes and Parcel B as shown on the Exchange Plan will become part of Lot 2A as shown on the Exchange Plan, the building area of which will be approximately 2.75 acres as compared to the 2 acres currently available for use on Lot 2.

ARGUMENTS IN FAVOR: If the inter-board reciprocal transfer is approved, the building area for the housing lot will be increased to approximately 2.75 acres which is the same size it would have been had the Town been able to purchase 3.5 acres from the GSA. This will have been accomplished without having to have paid a much higher price for the housing lot.

The increased building area will allow for a less dense and more attractive project, e.g., larger back and side yards for the owners of the housing units, more room for parking and other amenities such as decks, more green space, etc. In addition, the increased building area will allow for more flexibility in locating the septic system and related leaching field.

Although a portion of the passive and active recreation land will be used to increase the building area of the housing lot, an equal portion of the housing lot will added to the passive and active recreation land and will be used and maintained, in perpetuity, exclusively for public park and recreation purposes. Since this land will contain a handicapped accessible trail, it makes more sense to have it included as part of the passive and active recreation land. In addition, Parcel B as shown on the Exchange Plan is located between the housing lot and two large berms that separate the passive and active recreation land into two distinct areas. Parcel A as shown on the Exchange Plan, i.e., the portion of the passive and active recreation land which might be used in the future for playing fields, is unaffected by the proposed inter-board reciprocal transfer.

ARGUMENTS OPPOSED: Lot 2 is required to have a fifty (50) wide buffer for use as Conservation and Trail Land. Using a portion of the passive and active recreation land to increase the building area of the housing lot reduces the total amount of land available for passive and active recreation.

Rather than increasing the building area of the housing lot, the Board of Selectmen should consider reducing the number of housing units.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 7-0.

QUANTUM OF VOTE: (a) and (b), Two-thirds - see Massachusetts General Laws Chapter 40, Section 15A; (c) Majority – see Massachusetts Constitution Amendment Article 2, Section 8 (1).

(See the Exchange Plan at Appendix E)

ARTICLE 20: TRANSFER CARE AND CUSTODY OF THE 50' BUFFER STRIP, NIKE SITE, OXBOW ROAD

Proposed by: Conservation Commission

To determine whether the Town will vote to instruct the Board of Selectmen and/or the Park and Recreation Commission, as the case may be, with approval of Town Counsel as to form, to transfer the care, custody, management, and control of the area of land shown as "50' WIDE CONSERVATION BUFFER" shown on a plan entitled "Plan of Land in Wayland, Massachusetts Prepared For The Wayland Board of Selectmen Former Nike Site, Oxbow Road", prepared by: the Town Surveyor's office and dated January 3, 2006, a copy of which plan is on file in the Office of the Town Clerk, from the Board of Selectmen and/or the Park and Recreation Commission, as the case may be, to the Conservation Commission for conservation and passive recreation purposes and/or the Parks and Recreation Commission for park and passive recreation purposes.

FINANCE COMMITTEE COMMENTS: This article merely transfers the custody and control of the designated 50' buffer surrounding the Nike site to the Conservation Commission to be maintained as a passive and active recreation area. Most other conservation land in town is managed in a similar way.

The Conservation Commission has voted on a management plan for this parcel, thus the intent of this article is to transfer control of the land to the Commission. A map delineating the 50' buffer strip is attached in Appendix E.

ARGUMENTS IN FAVOR: Transferring care and custody to these Commissions will provide for a land usage consistent with each Commission's interests and vision.

If control of the land remains with the Board of Selectmen, Wayland may not be eligible for certain state or federal grants dedicated to the purpose of conservation or recreation.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any arguments opposed.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 7-0.

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40, Section 15A.

(See the Parcel Map at Appendix E)

ARTICLE 21: AMENDMENT OF ARTICLE 22, INCLUSION OF AFFORDABLE HOUSING

Proposed by: Planning Board

To determine whether the Town will vote to amend its Zoning By-Laws, Chapter 198 of the Code of the Town of Wayland by replacing the period "." after the numbers "22" and replacing it with a zero "0" in all places where said period so appears in Article 22 of said Chapter 198.

FINANCE COMMITTEE COMMENTS: This is an administrative and housekeeping article. The purpose of this article is simply to bring the numbering scheme in Article 22 of the Zoning By-Law into conformance with the rest of the numbering in the Zoning By-Law.

ARGUMENTS IN FAVOR: Changing the numbering makes Article 22 consistent with the rest of the Zoning By-Law.

ARGUMENTS IN OPPOSED: There are no arguments opposed because the amendment does not change the content of Article 22, only the numbering.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 7-0.

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent with Massachusetts and federal law.

ARTICLE 22: RENUMERATION OF ARTICLE 15A, PLANNED WIRELESS COMMUNICATIONS SERVICES DISTRICT

Proposed by: Planning Board

To determine whether the town will vote to amend its Zoning By-Laws, Chapter 198 of the Code of the Town of Wayland, by making the following deletions (indicated in ~~strikethrough lettering~~) and insertions (indicated in <u>underlined lettering</u>) in Article 15A thereof:

ARTICLE 15A

Planned Wireless Communications Services District

§198-1550. Purpose
§198-1551. Location
§198-1552. Use Restrictions
§198-1553. Design Restrictions
§198-1554. Contents of Application
§198-1555. Liability Insurance; Removal and Removal Bond
§198-1556. Applicable Provisions
§198-1557. Town-Owned Emergency Equipment
§198-1558. Modification of Permitted Facilities
<u>§198-1559. Conditions for Wireless Communications Facility in the Planned Wireless Communications Services District under Zoning Bylaw Section 196-1553.5.</u>

§198-1550. Purpose

1550.1. For the purposes of this Article 15A, "wireless communications facility" shall have the same meaning as in section 198-104.2, and "wireless communications services" shall have the same meaning as in section 198-1501.1. The purpose of this Article is to establish a district on or near the top of a geographically prominent hill in the Town, which has long been the subject of study and planning for wireless use in the Town, and in which wireless communications services may be provided while preserving and protecting the public health, safety and general welfare, while fulfilling the purposes of the Federal Telecommunications Act regarding provision of personal wireless services to the area capable of being served by the Planned Wireless Communications Services District and minimizing the number of wireless communications facilities in the Town. The Planned Wireless Communications Services District has been created specifically to protect the general public from hazards, minimize visual impacts, protect the scenic, historic, natural and human-made resources of the Town and protect property values.

§198-1551. Location

1551.1. The Planned Wireless Communications Services District shall be located on land on Reeves Hill, so-called, as shown on Plate 34 of the Atlas of the Town of Wayland, Massachusetts, 1996, numbered as Parcels 34-026, 34-027, and 34-026A, and as shown on the plan entitled "Town of Wayland Planned Wireless Communications Services Zoning Overlay District," prepared by the Town of Wayland Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated August 11, 2005, a copy of which is on file in the office of the Town Clerk.

1551.2. The Planned Wireless Communications Services District shall be construed as an overlay district with regard to said locations. In the Planned Wireless Communications Services District, all requirements of the underlying zoning district shall apply to uses other than a wireless communications facility or facilities; and the use and design restrictions of the Planned Wireless Communications Services District shall specifically apply to all wireless communications facilities.

§198-1552. Use Restrictions

1552.1. One wireless communications monopole may be constructed, operated, maintained and used by up to four wireless carriers in the Planned Wireless Communications Services District as of right, upon the issuance of a building permit therefor, provided that the proposed facility complies with the requirements of the State Building Code, 780 CMR, as applicable, plan entitled "Town of Wayland Planned Wireless Communications Services Zoning Overlay District," prepared by the Town of Wayland Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated August 11, 2005, a copy of which is on file in the office of the Town Clerk, and with the Design Restrictions set forth below. A wireless communications facility conforming to the requirements of Article 15A may be constructed, operated, maintained and used in the Planned Wireless Communications Services District without the need for a special permit pursuant to section 198-203 and without the need for site plan approval under Article 6 of this Zoning Bylaw.

§198-1553. Design Restrictions

1553.1. A wireless communications facility in the Planned Wireless Communications Services District shall conform to the design restrictions set forth in this section.

1553.2. A free-standing wireless communications facility in the Planned Wireless Communications Services District shall be designed as a monopole tower with internally or closely ("flush") mounted antenna panels (with appropriate allowance for antenna tilting to meet coverage objectives consistent with minimizing adverse visual impact of the antennas) except as provided in section 1557.1 regarding equipment of the Town.

1553.3. Except as provided in section 198-1557 of Article 15A, the maximum height of the monopole shall be 180 feet above ground level at the base of the monopole.

1553.4. A wireless communications monopole in the Planned Wireless Communications Services District shall be designed to conform to all applicable state structural and engineering codes, including, but not limited to the State Building Code, 780 CMR.

1553.5. A wireless communications monopole in the Planned Wireless Communications Services District shall be subject to the Conditions set forth in §198-1559, below. ~~Attachment 1, the provisions of which are incorporated by reference herein.~~

§198-1554. Contents of Application

1554.1. The application for a building permit for a wireless communications facility in the Planned Wireless Communications Services District shall contain all of the information ordinarily required for a building permit for a communications tower or other unmanned structure, as applicable, provided however that the plans submitted with the application for a building permit ("Plans") shall be in lieu of an approved site plan for the proposed facility.

1554.2. Construction drawings for the proposed facility shall be consistent with the Plans identified in section 198-1554.1, and shall be stamped by a Massachusetts registered professional engineer.

1554.3. The application for a building permit for a wireless communications facility in the Planned Wireless Communications Services District shall be made by or on behalf of: (i) an FCC licensed wireless communications carrier; or (ii) by a tower building company or other person or entity having a binding lease or other agreement with at least one FCC-licensed wireless communications carrier to locate on the tower at the time it is constructed.

1554.4. The application for a building permit for a wireless communications facility in the Planned Wireless Communications Services District shall include a copy of the publicly available manufacturer's specification sheets for (i) the antennas, cables, and other equipment to be internally or flush mounted on the tower, and (ii) each equipment cabinet or equipment shelter proposed to be used for ground equipment within the fenced equipment compound at the base of the tower.

§198-1555. Liability Insurance; Removal and Removal Bond

1555.1. The tower owner and each of its tenants will carry during the term of their use the following insurance: (i) "All Risk" property insurance for its property's replacement cost; (ii) commercial general liability insurance with a minimum limit of liability of $5,000,000 combined single limit for bodily injury or death/property damage arising out of any one occurrence, naming the Town of Wayland as an additional insured if permitted by the insurer; and (iii) Workers' Compensation Insurance as required by law. Annual proof of the insurance must be filed with the Town Clerk.

1555.2. Except as provided in section 198-1557.3, within six (6) months of the termination of use of the tower, the tower owner and its tenants will remove all of their respective above-ground improvements and the tower owner will restore the site to its condition at the commencement of the tower use, reasonable wear and tear and loss by casualty or other causes beyond its control excepted. The tower owner and its tenants will be responsible for reasonably replacing trees, shrubs and other vegetation at the site, but will not be required to remove from the site any below ground foundations or underground utilities.

1555.3. To ensure removal of the tower after termination of use of the tower, the tower owner must obtain a performance bond or other form of financial security, in an amount consistent with a removal cost estimate stamped by a Massachusetts registered professional engineer and deposit it with the Town, to be used for removal and site-restoration costs in the event that the tower owner fails to comply. The tower owner also agrees to allow the Town and its agents and employees the right to enter the property for the purpose of removing the monopole in the event that it is not removed after such cessation of use.

§198-1556. Applicable Provisions

1556.1. Section 198-1510 (Exemptions) shall also apply to this Article 15A.

§198-1557. Town-Owned Emergency Equipment

1557.1. <u>The owner of any free-standing wireless communications monopole in the Planned Wireless Communications Services District shall permit the Town of Wayland to mount antennas and equipment for the Wayland police department, fire department or other Town emergency services on and next to the tower; provided that (i) said Town antennas and equipment shall not interfere with pre-existing wireless communications services on the monopole, and (ii) the Town shall pay any costs associated with the installation of the Town's antennas and equipment.</u>

1557.2. Town antennas mounted on the monopole may extend up to twenty feet above the top of the permitted height of the monopole and need not be closely-mounted to the monopole.

1557.3. In the event of termination, for a continuous period of six (6) months or more, of the use of the tower by all users except for the Town of Wayland, the tower owner may

in lieu of removal of the tower convey the tower free of charge to the Town of Wayland, subject to the acceptance of the tower by the Town. In the event that the Town accepts the tower under this provision, the bond referred to in section 1555.3 shall thereupon be returned to the tower owner.

§198-1558. Modification of Permitted Facilities

1558.1. Any equipment permitted for a wireless communications facility in the Planned Wireless Communications Services District may be replaced with equal or similar brands or models and may be upgraded to newer or technically superior brands or models so long as there is no change in the monopole design or increase in signal strength, and if a building permit is required, upon the issuance of a building permit. Upon request of the Building Commissioner, made not more frequently than once per year, each carrier shall provide updated specifications as to its equipment on the monopole in the Planned Wireless Communications Services District.

1558.2. A major modification to an existing wireless communications facility in the Planned Wireless Communications Services District shall consist of (i) a change in number of buildings or equipment cabinets located on the site compared to that shown on the Plans identified in section 198-1554.1, (ii) an increase in the height of the monopole compared to that shown on the Plans identified in section 198-1554.1, or (iii) an addition to the externally-visible equipment including the number of antennas on the monopole compared to that shown on the Plans identified in section 198-1554.1. Notwithstanding the provision of (i) and (iii) above, any subsequent change that only adds co-locators' antennas, buildings, or equipment cabinets for up to a maximum of four wireless carriers shall not constitute a "Major Modification" and shall not require Site Plan Approval under Article 6 of this Zoning Bylaw, whether or not the change was shown on the Plans identified in section 198-1554.1.

1558.3. A major modification to an existing wireless communications facility in the Planned Wireless Communications Services District shall require Site Plan Approval from the Planning Board under Article 6 of the Zoning Bylaw and a building permit from the Building Commissioner.

~~ATTACHMENT 1~~

§198-1559. Conditions for A Wireless Communications Facility in the Planned Wireless Communications Services District ~~under Zoning Bylaw Section 198-1553.5~~.

1559.1. Definitions. ~~DEFINITIONS~~ For the purposes of the conditions below, the following definitions apply:

ZBA: the Wayland Zoning Board of Appeals

Building Commissioner: the Building Commissioner of Town of Wayland (or his designated agent)

Town: the Town of Wayland

FAA: the Federal Aviation Administration (or its successor agency)

FCC: the Federal Communications Commission (or its successor agency)

DPH: the Massachusetts Department of Public Health (or its successor agency),

Applicants, Tower Owner, Tenants: the applicants for a building permit,, the tower owner and the tower's tenants, respectively

1559.2. Permits and standards. ~~**PERMITS AND STANDARDS**~~

1559.2.1. ~~A.~~ Other permits: Except to the extent superseded by or inconsistent with the Judgment in the matter *AT&T Wireless Services of Massachusetts v. Town of Wayland, et al.,* United States District Court for the District of Massachusetts, Civil Action Docket No. 04-11807MLW (the "TCA Case"), the Applicants must obtain and comply with all other required municipal, state, and federal permits from regulatory authorities having jurisdiction in this matter.

1559.2.2. ~~B.~~ Structural integrity: The 180-foot monopole tower must meet the Massachusetts Building Code provisions for seismic loadings and structural protection from wind and ice and shall be designed to support a height at least 20' above tower height.

1559.2.3. ~~C.~~ Radiofrequency emissions: The tenants' use of the monopole tower must be fully compliant with federal requirements on radio frequency emissions and the provisions of the Wayland Zoning Bylaw, §198-1503.2.16, to the extent lawful, reasonable and applicable and not inconsistent with regulations adopted by the FCC.

1559.2.4. ~~D.~~ Monitoring standards: Monitoring, testing, and inspection must be in accordance with the regulations of the FCC and, to the extent lawful, reasonable and applicable, DPH.

1559.2.5. ~~E.~~ ANSI standards: The monopole tower and its transmission must comply in all respects with the current standards of the American National Standards Institute (ANSI) and the National Council for Radiation Protection (NCRP), whichever are stricter, if and to the extent adopted by the FCC.

1559.2.6. ~~F.~~ Construction traffic control: Prior to the issuance of a building permit and the start of construction, the Applicants must meet with representatives from the Building Department, the Police Department, the Highway Department, the Conservation Commission, and any other relevant Town officials to discuss staging areas, traffic issues, and other construction-related matters. The Applicants must bear the cost of any reasonable and necessary temporary traffic controls associated with the construction.

1559.2.7. ~~G.~~ Construction inspections: An independent, Massachusetts-registered professional engineer who is not affiliated with any of the Applicants, at the Applicants' reasonable expense, must review all the construction documents, review and approve all quality-control procedures, and inspect the site at appropriate intervals. The reviews and inspection results must be included in a certified report, submitted to the Building Commissioner, attesting that the construction of the facility complies with

the Judgment in the TCA Case and other applicable building and safety codes.

1559.2.8. ~~H.~~ Construction: All materials shall be assembled and constructed on the site by contractors licensed by the Commonwealth of Massachusetts, with insurance and bonding mutually acceptable to the Applicants and the Wayland Building Commissioner.

1559.2.9. ~~I.~~ Maintenance: The monopole tower and associated equipment mounted on the tower at the site shall be subject to periodic inspection and maintenance, to ensure their structural and mechanical integrity, and to avoid structural, mechanical and other failures. This periodic inspection and maintenance must occur at least every year. The Tower Owner must submit a report to the Building Commissioner indicating, among other details, the date of the inspection, the personnel performing the inspection, and the results. If any changes or repairs to the tower are performed as a result of the maintenance inspection, the Tower Owner should file a supplemental report after the repairs. Each report is due within 7 business days of the inspection or repair. In the event the Tower Owner fails to conduct a required inspection or to submit a required report, the Town shall notify the Tower Owner and all FCC-licensed carriers collocating on the tower of this alleged omission; and the Tower Owner or any carrier collocating on the tower shall have 45 days to conduct the required inspection and submit the required report before the Town may commence any enforcement action with respect thereto. [See also Section 1559.4.6.~~Condition V~~, below.]

1559.2.10. ~~J.~~ Removal: Within six (6) months of the termination of the use of the tower, the Tower Owner and its Tenants will remove all of their respective above-ground improvements and the Tower Owner will, to the extent reasonable, restore the site to its condition at the commencement of the tower construction, reasonable wear and tear and loss by casualty or other causes beyond its control excepted. Notwithstanding the foregoing, the Tower Owner and its Tenants will not be required to remove from the site any foundations which are fully buried or underground utilities, but shall remove any such materials which reach or protrude above the surface. [See also Section 1559.4.4.~~Condition T~~, below.]

1559.3. Visual Impact ~~**VISUAL IMPACT**~~

1559.3.1. ~~K.~~ Screening vegetation: To mitigate against visual impacts on the neighborhood, the Tower Owner must, during construction, not permit any contractor to place or stockpile construction materials on the root zones of the existing vegetation and mature trees or to disturb the root zones of the mature trees (the "root zone" being an area around the base of the tree equal to the width of the canopy). The Tower Owner must replace any mature tree on the site that dies within 4 years of the construction unless the death was from natural causes or caused by activity other than that of the Tower Owner or its Tenants. The replacement vegetation must be a fast-growing species at least 15 feet high when planted.

1559.3.2. ~~L.~~ Fencing and landscaping: The fencing surrounding the installation and accessory equipment, which will serve to control access to the facilities and the monopole tower, must be an 8-foot high locked black or green chain link fence topped by three strands of barbed wire. The fence must be kept in good repair, at the Tower Owner's expense, and screened to the east (except for an access gate) by evergreen vegetation (at least

one row of native evergreen shrubs or trees capable of forming a continuous hedge at least 10 feet in height within two years of planting to effectively screen the tower base and accessory facilities), which vegetation must be also maintained and replaced if it dies.

1559.3.3. ~~M.~~Lighting and Noise: No permanent lighting can be placed to shine on or otherwise illuminate the monopole, unless required by the FAA. Lighting on the monopole shall be limited to that needed for emergencies or as required by the FAA. Any lighting placed at the base to facilitate inspection and maintenance must be turned off when the inspection/maintenance personnel are not present. No flag shall be flown or displayed on the monopole. Noise generation shall be in accordance with the provisions of the Wayland Zoning Bylaw, §198-1503.2.17 to the extent reasonable, applicable and lawful.

1559.3.4. ~~N.~~Concealment: All equipment must be concealed behind the fencing. All antennas must be flush (closely) mounted to the outside of the monopole tower, with appropriate allowance for antenna tilting, to meet coverage objectives consistent with minimizing adverse visual impact of the antennas. The monopole tower must be constructed to ensure that no portion of the structure falls off in high winds or ice storms. The monopole tower must have a galvanized finish and its color shall be a color selected by the ZBA.

1559.3.5. ~~O.~~Collocators: The Tower Owner must agree to provide access for FCC-licensed collocators, including space on the monopole tower and room at the base, within the chain link fencing, for related ground equipment. The facilities of Cingular Wireless and three additional FCC-licensed collocators within the tower and within the fence are hereby approved. All additional collocators must file a separate application with the ZBA.

1559.3.6. ~~P.~~Signage: The only signs allowed at the facility are no-trespassing/private property warning signs affixed to the fence and a required sign indicating whom to contact in the event of an emergency and the telephone number for that contact. As long as the monopole tower remains in use, this contact information must be kept current.

1559.4. Indemnities and Protections ~~**INDEMNITIES AND PROTECTIONS**~~

1559.4.1. ~~Q.~~Indemnification: The Tower Owner shall indemnify the Town for any damage to the Town's water supply tanks or other structures and equipment in the vicinity of the facility caused by its facility.

1559.4.2. ~~R.~~Corrosion protection: The Tower Owner must supply proof that the manufacturer of the tower has added corrosion protection for the monopole and the base of the tower. All hardware must be galvanized, to prevent rust.

1559.4.3. ~~S.~~Liability insurance: The Tower Owner, each of its Tenants and all applicants will carry from the date of commencement of construction through the later of, the date of removal of the tower or termination of tower use, the following insurance, at a minimum: (i) "All Risk" property insurance for the replacement of all property on the site at replacement cost; (ii) commercial general liability insurance with a minimum limit of liability of $5,000,000 combined single limit for bodily injury or

death/property damage arising out of anyone occurrence, naming the Town as an additional insured, if permitted by the insurer; and (iii) Workers' Compensation Insurance as required by law. All insurance carriers shall be licensed in Massachusetts. Annual proof of such insurance must be filed with the Town Clerk.

1559.4.4. ~~T.~~ Removal bond: Removal must be conducted in accordance with Section 1559.2.10. ~~Condition J~~ hereof. To ensure this, the Tower Owner must obtain a performance bond or other form of financial security, in an amount consistent with a removal cost estimate stamped by a Massachusetts registered professional engineer and deposit it with the Town, to be used for removal and site restoration costs in the event that the Tower Owner fails to comply. The Tower Owner also agrees to allow the Town and its agents and employees the right to enter the property for the purpose of removing the monopole in the event that it is not removed after such cessation of use, and Applicants warrant that the lease with the property owner will, for the duration of the lease, confirm this right to enter.

1559.4.5. ~~U.~~ Change in owner or lessee: If the monopole tower as a whole, or any of its components, is sold, assigned, licensed or leased to an entity other than the original Applicant, the new owner or lessee must notify the ZBA in writing, within seven business days of the sale or transfer, with its name, address, telephone, and other contact information. [See also Section 1559.3.6.~~Condition P~~, above.] The new owner or lessee shall be subject to all of the provisions of these conditions.

1559.4.6. ~~V.~~ Right to Cure: In the event the Applicants or the Tower Owner or any Tenant fails to perform any condition required of it hereunder within forty-five (45) days after receipt of written notice from the Town specifying the failure, then the Town may commence an enforcement action with respect thereto; provided, however, that no such failure will be deemed to exist if the Applicants, Tower Owner or any Tenant, as applicable, has commenced to cure such violation within such period and provided that such efforts are prosecuted to completion with reasonable diligence. Delay in curing a violation will be excused if due to causes beyond the reasonable control of the Applicants, Tower Owner or any Tenant. In the event that a failure presents an imminent threat to the public health or safety, the Town may commence enforcement action within a shorter time period as may be warranted by the circumstances.

FINANCE COMMITTEE COMMENTS: This is an administrative and housekeeping article. The purpose of this article is simply to bring the numbering scheme in Article 15A of the Zoning By-Law into conformance with the rest of the numbering in the Zoning By-Law. The article changes the numbering scheme for the section entitled "Attachment 1" which was approved at the Fall 2005 Special Town meeting.

ARGUMENTS IN FAVOR: Changing the numbering makes Article 15A consistent with the rest of the Zoning By-Law.

ARGUMENTS IN OPPOSED: There are no arguments opposed because the amendment does not change the content of Article 15A, only the numbering.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 7-0.

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent with Massachusetts and federal law.

ARTICLE 23: AUTHORIZE LOCAL VOTING RIGHTS FOR PERMANENT RESIDENT ALIENS RESIDING IN WAYLAND

Proposed by: Petitioner

To determine whether the Town will vote to instruct the Board of Selectmen to file with the legislature a request for a special act entitled, An Act authorizing local voting rights for permanent resident aliens residing in Wayland, as follows:

Section 1. Notwithstanding the provision of section one of chapter fifty-one of the General Laws, or any other general or special law, rule or regulation to the contrary, residents of the Town of Wayland who are aliens lawfully admitted for permanent residence in the United States and who meet all qualifications for registering to vote except U.S. citizenship, may, upon application, have their names entered on a register or qualified permanent resident alien voters and may thereafter vote in any election for local offices and local ballot questions.

Section 2. The Wayland Board of Selectmen is authorized to formulate regulations and guidelines to implement the purpose of this act.

Section 3. Nothing in this act shall be construed to confer upon permanent resident aliens the right to vote for any state or federal office or any state or federal ballot question.

PETITIONERS' COMMENTS: Our country was founded on a principle of "no taxation without representation". Permanent legal residents have all the same obligations as US citizens (including paying all the same taxes and even registering with Selective Services for service in the military), and yet cannot vote. While this may make sense at a federal or even state level, there is no compelling reason to deny them voting rights at the local level. Enabling permanent legal residents the right to vote would ensure we get a better count of non-citizen residents, resulting in a larger share of state aid and better representation (both of which are determined by number of residents, not citizens). It would encourage participation and assimilation, and provide a stepping stone toward full voting rights and be fairer, particularly to people for whom citizenship may take a very long time to achieve.

FINANCE COMMITTEE COMMENTS: This article merely instructs the Board of Selectmen to file a request with the state legislature for a special act authorizing local voting rights for permanent resident aliens residing in Wayland. This state legislative act would allow permanent resident aliens to vote only in local elections, but not in state or federal elections. Previously, two municipalities, Cambridge and Amherst, have passed a similar act to file a request with the legislator.

Permanent resident aliens are aliens legally admitted to the United States, who have undergone a several year process to obtain their "green card". Permanent residents are also commonly referred to as immigrants. Lawful permanent residents are legally accorded the privilege of residing permanently in the United States, and in return must fulfill all obligations of US citizens – they pay taxes and register to serve in the military; however, they are not eligible to vote. According to the 2000 census approximately 3% (~428 people) of Wayland's population are non-US citizens. As this number would include younger residents as well, the number of non-US citizens of voting age residing in Wayland is smaller, but not precisely known.

ARGUMENTS IN FAVOR: If enacted, all Wayland residents of legal voting age, except those non-citizens who are not permanent residents (i.e. have green cards), would have a say in how their tax dollars are being spent.

ARGUMENTS OPPOSED: The right to vote should be a right granted only to US citizens" but there are no laws that preclude non-citizen voting, and there are US municipalities that already allow it.

The administration at the polls could be a logistical challenge due to different voter lists and required proof of status for permanent resident aliens.

RECOMMENDATION: The Finance Committee recommends against approval. Vote: 3-4.

QUANTUM OF VOTE: Majority - see Massachusetts Constitution Amendment Article 2, Section 8 (1).

ARTICLE 24: AMEND CHAPTER 6 OF THE CODE OF THE TOWN OF WAYLAND

Proposed by: Petitioner

To determine whether the Town will vote to amend Chapter 6 of the Code of the Town of Wayland by adding thereto the following new sections:

1. "Every open meeting of every governmental body in the Town of Wayland shall provide for a public comment period, during which persons in attendance may speak on any matter. The governmental body may restrict the amount of time individual speakers may consume." and

2. "A printed agenda for every open meeting of every governmental body in the Town of Wayland shall be made available to each person in attendance."

PETITIONERS' COMMENTS: The Finance Committee concurs that the procedures advocated in the proposed by-law are worthwhile. However, the Finance Committee argues that it is unnecessary to amend the by-laws because most boards are now holding public comment periods and making printed agendas available. This argument is well intentioned but incorrect. Most responsible organizations have documented procedures to guide their day-to-day practices. They do not rely on "past practice" alone to get the job done because they know it fails to convey the message that these are mandatory procedures, not merely optional ones that may be eliminated or modified at will. That is one important reason our society documents its rules, rather than leaving them unwritten and subject to misinterpretation.

FINANCE COMMITTEE COMMENTS: This article effects all open meetings of every governmental body (e.g. board, commission, ad hoc committee) and would require (1) a public comment period and (2) a printed agenda for each person in attendance. This article is presented as a result of the petitioner's research at the time the article was submitted showing that not all governmental bodies were allowing public comment or providing agendas. [Note: Petitioners plan to clarify this requirement (2) in their motion under this article.]

ARGUMENTS IN FAVOR: All meetings should allow a time for people to speak and boards should provide agendas.

ARGUMENTS OPPOSED: Both of these suggestions can be implemented without changes to the Town Code. The Town Code should only be amended for matters of law and not for procedural items. Also, there is a cost to updating the Town Code. While the cost from this particular change may be minimal, the Town incurs expenses as it creates more changes to the Code.

In January, the Town Administrator reminded all boards to allow for public access/comment. Since that time, this has become standard practice and will become institutionalized through practice rather than requiring a change to the Town Code.

RECOMMENDATION: The Finance Committee recommends against approval. Vote: 0-5. While the Finance Committee agrees with the underlying concepts of this article, it is opposed to modifying the Town Code as a means to accomplish the request.

QUANTUM OF VOTE: Majority- see Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent with Massachusetts and federal law.

ARTICLE 25: AMEND SECTION 53-1 OF THE CODE OF THE TOWN OF WAYLAND

Proposed by: Petitioner

To determine whether the Town will vote to amend § 53-1 of the Code of the Town of Wayland, by adding at its end the following two sentences:

"The Annual Town Report shall contain a report itemizing reserve fund transfers during the fiscal year by account name, omnibus budget line item, dollar amount, and date of transfer, and a total of all such transfers. The report of every governmental body shall contain the names of its members during the period reported."

PETITIONERS' COMMENTS: The Finance Committee concurs that the procedures advocated in the proposed by-law are worthwhile. However, the Finance Committee argues that it is unnecessary to amend the by-laws to accomplish the desired changes. This argument is well intentioned but incorrect. Most responsible organizations have documented procedures to guide their day-to-day practices. They do not rely on "past practice" alone to get the job done because they know it fails to convey the message that these are mandatory procedures, not merely optional ones that may be eliminated or modified at will. That is one important reason our society documents its rules, rather than leaving them unwritten and subject to misinterpretation. Here, however, "past practice" has not been working well. Reserve fund transfers have appeared in only three of the last six Annual Town Reports. A by-law change is necessary to ensure that the public receives the information to which it is entitled.

FINANCE COMMITTEE COMMENTS: This article presents two issues. The first sentence (A) asks for additional reporting in the Town's annual report to itemize reserve fund transfers and would be a new requirement under this section of Code. The second sentence (B) applies specifically to an existing section 53-1A which requires annual reports and requests that reports list the names of reporting members. For clarity, they should not be in the same paragraph of the Town code, and the petitioners should consider amending the article to reflect this.

A. By state law, reserve fund transfers are for unforeseen or extraordinary expenses. The Finance Committee makes reserve fund transfers after consideration of such requests made by departments, boards or commissions. Examples of recently approved FY06 transfers include repairing a deteriorating interior section of the library ceiling and repairing a piece of equipment at the landfill (which then deferred purchase of a planned replacement).

Funding for reserve fund transfers is approved as part of the budget at Annual Town Meeting and, in recent years, has been voted at $201,000 within a $49 million total budget (FY06). Once approved at ATM, the funds may be used at the discretion of the Finance Committee.

The petitioners request that a summary report of such transfers be included in the annual Town Report.

B. Our By-laws presently require all boards, committees and commissions to create reports of their business transacted during the preceding fiscal year and for those reports to be published in the Annual Town Report each December. In this article, the petitioners request that these reports list the names of the members during the period reported. It is often the case that membership on a board or commission changes from the end of a fiscal year to the time when the report is created, so that the membership submitting the report is not the same the membership for the timeframe being reported upon.

ARGUMENTS IN FAVOR: This article would allow residents to see the reserve fund transfers approved by the Finance Committee and, therefore, more complete financial data would be available in the Annual Report. It would provide another level of reporting for the Finance Committee's decisions. This information is not summarized elsewhere although it is available from the Finance Committee, the Finance Director and in Finance Committee minutes available at the Town Clerk's office. Also, this article will list the members during the time period being reported upon in each board or commission's annual report.

ARGUMENTS OPPOSED: Both of these suggestions can be implemented without changes to the Town Code. The Town Code should only be amended for matters of law and not for procedural items. Also, there is a cost to updating the Town Code. While the cost from this particular change may be minimal, the Town incurs expenses as it creates more changes to the Code.

Finance Committee agrees to report on reserve fund transfers in the Annual Report; a change to the Town Code is not needed to accomplish this request. Also, a clearer way to organize the requested report is to show: department, account name, dollar amount, date of transfer and the sum of all fiscal year transfers. We do not want to amend Town Code to request a report with less than ideal information. [Note: Petitioners plan to clarify this requirement in their motion under this article.]

RECOMMENDATION: The Finance Committee recommends against approval. Vote: 0-5. While the Finance Committee agrees with the underlying concepts of this article and agrees to add reserve fund reporting to the Annual Report, it is opposed to modifying the Town Code as a means to accomplish the request.

QUANTUM OF VOTE: Majority- see Massachusetts General Laws Chapter 40, Section 21

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent with Massachusetts and federal law.

ARTICLE 26: FUNDING FOR WAYLAND BEAUTIFICATION

Proposed by: Petitioner

To determine whether the Town will vote to appropriate a sum of money ($7,000.00) to be expended by Wayland Beautification for the care and maintenance of trees, planters, and gardens planted and

being planted on Town owned properties; and to determine whether such appropriation shall be provided by taxation, by transferring from unappropriated funds, by transfer of funds already appropriated for other purposes, by borrowing, or otherwise.

FINANCE COMMITTEE COMMENTS: This petitioners' article requests $7,000 to be expended by the Wayland Beautification Committee. This article is a "holding" article and will be passed over if the 2007 Budget which includes $7,000 funding for Wayland Beautification, is approved by Town Meeting.

The Wayland Beautification Committee is an ad-hoc committee of citizen volunteers and since its inception has dedicated its efforts to beautifying highly visible areas of Wayland with garden spaces and trees. These volunteers provide the routine maintenance and care of the trees, planters, and gardens on approximately ten town-owned parcels and approximately 30 planters dispersed throughout the town. Most of the funding for plants, trees, fertilizer, mulch and other supplies are provided through private donations. However, the monies requested in this article are, for the most part, to pay for a summer intern who would be responsible for the watering and maintenance during the summer months when these gardens need more frequent attention. The amount and the reason for the request is consistent with the amount appropriated in past years' budgets.

ARGUMENTS IN FAVOR: The areas that are maintained by Wayland Beautification provide improve the feel and character of the town. The $7,000 is an amount consistent with prior years and reflects minimal financial support compared to the volunteer time of the committee and the private donations.

ARGUMENTS OPPOSED: These expenditures may not be considered essential services and should not be expended given the current financial situation.

RECOMMENDATION: The Finance Committee recommends against approval. Vote: 0-7. This article only applies if the override fails. Under such circumstances the Finance Committee doesn't believe these funds should necessarily be approved given the extensive cuts that would be required across town services.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7.

ARTICLE 27: FUND IMPROVEMENTS FOR WAYLAND PROPERTY AND SET ASIDE COMMUNITY PRESERVATION FUNDS FOR LATER SPENDING

Proposed by: Wayland Community Preservation Committee *Estimated Cost: $278,750*

To determine whether the Town will vote to:

1. appropriate $1,750 to create an experimental, drought tolerant, community garden at the Wayland Landfill, subject to approval of Town authorities for the use of the location;

2. appropriate $7,000 to create a community garden at the triangular section of land located at the intersection of Route 30 and East Plain Street, subject to approval of Town authorities for the use of the location;

3. determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing or otherwise; and

4. set aside for later spending $90,000.00 on open space, but not including land for recreational use, $90,000 for historic resources, and $90,000.00 for community housing, pursuant to Massachusetts General Laws Chapter 44B, Section 6.

FINANCE COMMITTEE COMMENTS: The Community Preservation Fund, authorized by Town vote in 2001, is funded by a 1.5 percent addition to the real estate tax. This amount has been matched to date by State funds. The Fund is administered by the Community Preservation Committee, which identifies and evaluates projects as appropriate and brings them to the Town's notice. No funds can be spent without Town Meeting approval. The beautification projects will be funded by existing Community Preservation Funds. This use was voted unanimously by the Community Preservation Committee, but must be also voted by the Town Meeting.

ARGUMENTS IN FAVOR: The projects at both of these sites will be built and maintained by the Wayland Beautification Committee, a volunteer group which has planted and tends a number of other sites, principally heater pieces, around the Town.

The landfill site was selected by the Committee because the area is visited frequently by a significant proportion of the community. It is hoped that the concept of a drought tolerant garden will be useful to the community and encourage responsible use of our declining water resources. Residents will be encouraged to walk through the space and experience the garden first hand.

The Cochituate site, a major entrance to the town, will benefit from enhancement to improve the visibility along Rte 20 and East Plain Street. The site contains a memorial listing the Wayland residents killed in WWII. In order to establish the plantings, and to maintain them a connection to the water supply, estimated by the Water Dept. to cost $5,000, will be required. The remainder of the funds requested are for the plantings at both sites.

Since the money for this effort will come from existing CPC funds, there will be no effect on the operations budget or the tax rate.

The set aside of $90,000 for each of the three categories listed above is required by state law. Future town meeting action is required to expend these funds for a specific project.

ARGUMENTS OPPOSED: It is possible that the addition of these projects to the existing Wayland Beautification sites will entail an increase in the outlay required at present to water and tend these sites during the summer, when the volunteer labor available the rest of the year is not sufficient. The Wayland Beautification Committee assures that if there is any increase, it will be minimal.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 7-0.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, Chapter 44, Section 33B, and Chapter 44, Section 6. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. ***Town of Wayland***

★★★ WARRANT ★★★

for the

2006 SPECIAL TOWN MEETING

To any of the Constables of the Town of Wayland, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all residents of the Town of Wayland who shall be qualified to vote in accordance with the provisions of Massachusetts General Laws, Chapter 51, Section 1, to meet in the Wayland High School Field House on:

WEDNESDAY, MAY 3, 2006, AT 7:30 P.M.

Or as soon thereafter as the Article then under discussion in the Annual Meeting is disposed of, then and there to act on the following Articles:

ARTICLE 1: RESOLUTION ENDORSING THE WORK OF THE WAYLAND HURRICANE RELIEF STEERING COMMITTEE

Proposed by: Board of Selectmen

To determine whether the Town will vote to formally endorse the work of the Wayland Hurricane Relief Steering Committee in its efforts to assist the city of Waveland, Mississippi, and direct the Wayland Hurricane Relief Steering Committee to discharge its responsibilities in a way that continues the public/private partnership aimed at providing short and long-term support to the residents of Waveland, Mississippi who sustained major losses due to Hurricane Katrina, including developing personal relationships, assisting in the rebuilding effort, continuing fund-raising efforts, and leveraging the many skills and resources that Wayland residents can offer.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until Special Town Meeting.

QUANTUM OF VOTE: Majority.

ARTICLE 2: ADD MIXED-USE OVERLAY DISTRICT TO THE TOWN'S ZONING BYLAW

Proposed by: Planning Board

To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Zoning Bylaw of the Town, by:

1.) Adding thereto the following new article:

Article 23
MIXED-USE OVERLAY DISTRICT

§198-2301. Purposes
§198-2302. Definitions
§198-2303. Overlay District
§198-2304. Approvals Process
§198-2305. Special Permit Decision
§198-2306. Special Permit Conditions
§198-2307. Time Limit
§198-2308. Dimensional Requirements and Aggregate Limits
§198-2309. Performance Standards
§198-2310. Peer Review
§198-2311. Rules and Regulations
§198-2312. Relation to Other Requirements
§198-2313. Inapplicability of Certain Other Regulations

§198-2301. Purposes.

2301.1. The purposes of the Mixed-Use Overlay District include but are not limited to:

2301.1.1. promoting a range and balance of land uses;
2301.1.2. facilitating integrated physical design and encouraging interaction among activities;
2301.1.3. establishing controls which will facilitate development while protecting the public interest by limiting the aggregate amount of development;
2301.1.4. permitting flexible development on individual lots;
2301.1.5. promoting site features and layouts conducive to walking and bicycling;
2301.1.6. promoting a pedestrian-friendly living and working environment.

§198-2302. Definitions.

2302.1. The following definitions apply, in addition to those in Section 198-104, in the Mixed-Use Overlay District.

Concept Plan: A required submittal for a Mixed-Use Project Master Special Permit, which provides a preliminary site plan for the Mixed-Use Project, describing the proposed character, uses, site layout, and public amenities incorporated therein. The requirements for the submittal of a Concept Plan are set forth in Section 198-2304.2.

Gross Floor Area: As defined in Section 198-104.

Master Special Permit Plan: A required submittal for a Mixed-Use Project which, as described in the Planning Board's rules and regulations for the MUOD, defines in detail the site, the site plan, the proposed uses, site improvements, traffic impacts and their mitigation, environmental impacts and their mitigation, future division of the property, and other information required for the public and boards of the Town of Wayland. Compliance with the Master Special Permit Plan, as approved by the Planning Board, shall be a condition of any development of a Mixed-Use Project.

Mixed-Use Project: A combination of retail, office, municipal, service establishments, and residential uses, as may be approved by the Planning Board for the Mixed-Use Overlay District by the issuance of a Mixed-Use Project Master Special Permit, defined below.

Mixed-Use Project Master Special Permit ("MUP Master Special Permit"): The initial special permit that an applicant must obtain before obtaining any site plan approvals, as provided for in Section 198-2304.

MUOD: The Mixed-Use Overlay District ("MUOD") comprising the land as shown on Plate 23 of the Atlas of the Town of Wayland, Massachusetts, 2002, numbered as Parcels 23-052, 23-052B, 23-052C , and 23-052F, and as shown on the plan entitled "Town of Wayland Mixed-Use Overlay District," Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated September 6, 2005, a copy of which is on file in the office of the Town Clerk.

§198-2303. Overlay District.

2303.1 The MUOD is an overlay district superimposed on all underlying zoning districts. All uses permitted by right or by special permit in the pertinent underlying zoning district shall be similarly permitted in the MUOD, subject to the further provisions of this Article 23. Where the MUOD authorizes uses not otherwise allowed in the underlying district, the provisions of the MUOD shall control. The Planning Board shall be the special permit granting authority ("SPGA") for every MUP Master Special Permit and any other special permit required in the MUOD. The Planning Board shall also serve as the SPGA for special permits required under any other applicable overlay districts. Nothing herein shall be construed to supersede the provisions of other overlay districts applicable in the MUOD, except as set forth herein.

§198-2304. Approvals Process.

2304.1. Overview.

2304.1.1. Prior to applying for a building permit for a Mixed-Use Project, the applicant submits the following to the Planning Board, in sequence:

2304.1.1.1. A Concept Plan;

2304.1.1.2. A Master Special Permit application;

2304.1.1.3. A Phase I Site Plan Review application.

2304.1.2. After approval of the Phase I Site Plan, changes of use and of exterior features that were previously approved by a Phase I Site Plan and that require Phase II Site Plan review under

Section 198-2304.4.4 may not be made unless the applicant submits, and the Planning Board approves, a Phase II Site Plan Review application.

2304.1.3. Where special permits other than the MUP Master Special Permit are sought under this Article 23, such special permits may be applied for concurrently with, or at any time after, the application for the MUP Master Special Permit. Any pending special permit application shall be considered concurrently with the Master Special Permit application, the Phase I Site Plan Review application, or the Phase II Site Plan Review application, rather than sequentially, where doing so would promote efficiency and timeliness.

2304.1.4. All proceedings of the Planning Board under this Article 23 shall proceed reasonably expeditiously under the circumstances and in light of the Planning Board's responsibilities under this Article 23, and the Planning Board and the applicant should avoid unnecessary delay.

2304.2. Concept Plan.

2304.2.1. With or prior to the application for the MUP Master Special Permit, the applicant must file a Concept Plan with the Planning Board for review. The Concept Plan shall generally define the proposed character, uses, site layout, and public amenities of the proposed Mixed-Use Project. The Planning Board shall determine whether the Concept Plan substantially conforms with the provisions of this Article 23. The submission shall, at a minimum, include:

2304.2.1.1. A preliminary site development plan (signed by a registered architect or other pertinent design/engineering professional) showing the approximate location and anticipated size of footprint(s) of all proposed buildings, general site grading with finish floor elevations, parking, landscaping, roads, walkways and access ways, open space, and wetlands.

2304.2.1.2. A preliminary utilities plan showing the location of hydrants and wastewater facilities; the location and type of stormwater facilities; and the sources of water to be used on the site.

2304.2.1.3. A preliminary lighting plan including a photometric plan and general information regarding light poles, bases and fixtures.

2304.2.1.4. A preliminary signage plan for the Mixed-Use Project.

2304.2.1.5. A preliminary subdivision plan(s), if applicable.

2304.2.1.6. A plan showing proposed buildings as to approximate location, proposed categories of uses, general architectural design, and anticipated size.

2304.2.2. The Planning Board shall solicit public comment on the Concept Plan. Thereafter, the Planning Board shall determine that (i) the Concept Plan is in substantial conformity with the provisions of this Article 23; or (ii) it would be in substantial conformity if it includes modifications suggested by the Planning Board or agreed upon by the applicant; or (iii) it is not in substantial conformity. If the Concept Plan is submitted prior to an application for an MUP Master Special Permit, the Planning Board shall advise the applicant of the Planning Board's determination within 90 days following submittal of the Concept Plan, unless such time period is extended by written agreement of the Planning Board and the applicant. If the Board determines the submitted Concept Plan is not in substantial conformity with the provisions of this Article 23,

it shall provide the reasons for its determination. The determination of the Planning Board on the submitted Concept Plan shall be advisory in nature and shall be without binding effect on either the Planning Board or the applicant.

2304.3. MUP Master Special Permit.

2304.3.1. Every Mixed-Use Project within the MUOD must obtain a MUP Master Special Permit issued by the Planning Board. The MUP Master Special Permit (a) specifies the Mixed-Use Project's design, architectural character, public amenities, site improvements, traffic improvements, mitigation, specific location of buildings, and categories of uses for buildings; and (b) defines categories of interchangeable uses, for establishments in Size Category B in the Section 198-2308.3.1 establishment size chart, that will not require Phase II Site Plan Review under Section 198-2304.4.5.

2304.3.2. The application for a MUP Master Special Permit shall include, at a minimum, the following submittals:

2304.3.2.1. A Master Special Permit Plan, containing a site development plan (signed by a registered architect or other pertinent design/engineering professional) showing the location, size of footprint(s) of all buildings; site grading with finish floor elevations; parking; landscaping; roads, walkways and access ways; open space and wetlands.

2304.3.2.2. A utilities plan showing the location of hydrants and wastewater facilities; the location and type of stormwater facilities; and the sources of water to be used on the site.

2304.3.2.3. A lighting plan including a photometric plan and information regarding light poles, bases and fixtures.

2304.3.2.4. A signage plan for the Mixed-Use Project, which plan must include existing and proposed signage throughout the MUOD.

2304.3.2.5. A subdivision plan(s), if applicable.

2304.3.2.6. A plan showing the location, elevations with heights, proposed categories of uses, general architectural design, and sizes of all buildings and structures.

2304.3.2.7. Reference to any separate special permit(s) being requested in conjunction with the MUP Master Special Permit.

2304.3.3. No MUP Master Special Permit shall be granted unless the Mixed-Use Project is in compliance with the performance standards set forth in Section 198-2309.

2304.3.4. The MUP Master Special Permit shall govern all future development in a particular Mixed-Use Project. All construction and associated improvements must be in compliance with the MUP Master Special Permit.

2304.3.4. The MUP Master Special Permit shall govern (a) all future development in a particular Mixed-Use Project; and (b) the uses of all streets within the Mixed-Use Project and all streets that provide access between the Mixed-Use Project and any public way. All construction and associated improvements must be in compliance with the MUP Master Special Permit.

2304.3.5. The applicant must supply the Planning Board with sufficient copies of the application for a MUP Master Special Permit, along with all supporting documents and plans, as are necessary to provide to other local boards, agencies, and officials, such as the Conservation Commission, Fire Chief, Police Chief, Board of Health, Building Commissioner, Board of Road Commissioners, Water Commissioners, Wastewater Management District Commission, Finance Committee, Park and Recreation Commission, Board of Selectmen, and others as designated in the Planning Board's rules and regulations for the MUOD, for their review and comment.

2304.3.6. Following issuance of the MUP Master Special Permit, any application for revisions or amendments to the MUP Master Special Permit shall be submitted in writing to the Planning Board, which shall determine and notify the applicant in writing whether such revisions or amendments are minor or major.

2304.3.6.1. If the Planning Board does not notify the applicant in writing within 30 days after such submittal that such revisions or amendments are minor, the revisions or amendments shall be deemed major. In the event that such revisions or amendments are deemed to be major by such failure of timely notification, the Planning Board may, at any time thereafter, determine and notify the applicant in writing that such revisions or amendments are minor in accordance with the provisions of this Section 198-2304.3.6.

2304.3.6.2. Revisions or amendments proposing only changes that (i) do not significantly affect major exterior elements; (ii) do not significantly impact the public interest, as determined by the Planning Board in writing; and (iii) are consistent with the purposes of this Zoning Bylaw, shall be considered minor.

2304.3.6.3. Revisions or amendments to the MUP Master Special Permit may be made by the Planning Board in accordance with the same procedures as are applicable hereunder to the initial approval of the MUP Master Special Permit, except that the submittal materials, together with an explanatory statement, shall be limited to those affected by the proposed revisions or amendments; and in the case of revisions or amendments that are minor, a public hearing in accordance with the provisions of M.G.L. Chapter 40A need not be held, and the final decision deadline shall be 45 days from the date of the complete application submittal.

2304.3.6.4. Where special permits issued under this Article 23 allow modifications to project elements from those previously approved in the MUP Master Special Permit, such special permits shall constitute revisions or amendments of the MUP Master Special Permit to the extent of such allowed modified project elements, without the need for a separate application and approval of such modifications as revisions or amendments to the MUP Master Special Permit.

2304.3.6.5. Unless the applicant agrees otherwise, no existing condition of any MUP Master Special Permit or other special permit or approval shall be modified, nor may any new condition be imposed, except with respect to or arising from the subject matter of the modification requested by the applicant.

2304.4. Uses; Special Permits; Phase I and Phase II Site Plan Review within the MUOD.

2304.4.1. Within a Mixed-Use Project, the uses available are set forth in Table A "Mixed-Use Overlay District Table of Uses." Table A lists the uses allowed either: (i) with a MUP Master

Special Permit, which uses are designated "MSP" in Table A; or (ii) with a MUP Master Special Permit and a separate special permit, which uses are designated "SP" in Table A; or (iii) as of right, which uses are designated "A" in Table A. All other uses within the MUOD are prohibited. In the MUP Master Special Permit, the Planning Board may coordinate applications for Site Plan Review and individual special permits to ensure an orderly development process. Once a MUP Master Special Permit has been issued, all uses designated "MSP" in Table A shall be allowed, and all uses designated "SP" on Table A shall be allowed subject to issuance of the requisite special permit under Section 2304.4.2.1.

2304.4.2. Special Permits

2304.4.2.1. The prerequisite for a special permit for uses designated "SP" in Table A "Mixed-Use Overlay District Table of Uses" is a MUP Master Special Permit. Applications for the special use permit may be filed with the MUP Master Special Permit application or following the grant of the MUP Master Special Permit; and either separately or in conjunction with Phase I or Phase II Site Plan Reviews.

2304.4.2.2. Any special permits required under Table B "Table of Dimensional Requirements in the Mixed-Use Overlay District" may be incorporated into the MUP Master Special Permit and may be obtained during the MUP Master Special Permit approval process or in a subsequent application. These dimensional special permits may also be applied for in conjunction with Phase I or Phase II Site Plan Reviews.

2304.4.3. Changes Of Use In The Size Category A Establishment.

2304.4.3.1. Within the Section 198-2308.3.1 Size Category A establishment, any change of use after the MUP Master Special Permit is granted shall require a separate special permit under the following circumstances:

(a) the change of use covers 10,000 square feet or more of Gross Floor Area; or

(b) the change of use, when aggregated with all other changes made within the Category A establishment after the MUP Master Special Permit, totals 10,000 square feet or more of Gross Floor Area; except changes within the food store use or changes in uses accessory to a food store shall not be counted when computing the aggregate number.

2304.4.3.2. If a separate special permit is required for a change of use under this Section 2304.4.3 and such change of use also involves other changes requiring Phase II Site Plan Review under Section 198-2304.4.5, then the special permit and the Phase II Site Plan Review may be applied for and considered separately or in conjunction.

2304.4.4. Phase I Site Plan Review.

2304.4.4.1. The purpose of the Phase I Site Plan Review is to ensure that any proposed building or site improvement is in compliance with the MUP Master Special Permit. Prior to the issuance of a building permit for the construction of a building which will contain a use listed as allowed in Table A "Mixed-Use Overlay District Table of Uses," the Planning Board shall conduct a Phase I Site Plan Review. The Phase I Site Plan Review at a minimum shall include the following components: building design and elevations; signs; landscaping; lighting; parking; and compliance with the MUP Master Special Permit.

2304.4.4.2. The applicant shall submit an application and plans showing: building design and elevations; signs; landscaping; lighting; parking; compliance with the MUP Master Special Permit; and any other documents required by the MUP Master Special Permit and the Planning Board's rules and regulations for the MUOD. The Planning Board shall review the application and plans to determine whether the proposed building(s) and associated improvements are consistent with the performance standards set forth in Section 198-2309 and the specific conditions of the MUP Master Special Permit. The Planning Board shall hold its first hearing only after receipt of a complete application. The Planning Board shall render a written decision and file it with the Town Clerk within 60 calendar days after the first hearing, unless such time period is extended in writing by agreement of the Planning Board and the applicant. Any appeal from a decision of the Planning Board shall be made to a court of competent jurisdiction in accordance with the provisions of M.G.L. Chapter 40A, Section 17.

2304.4.5. Phase II Site Plan Review.

2304.4.5.1. The purpose of a Phase II Site Plan Review is to review certain proposed changes after the MUP Master Special Permit has been granted and the Phase I Site Plan Review has been completed. Phase II Site Plan Review shall apply to the following:

(a) changes of principal and accessory uses for Section 198-2308.3.1 Size Category B establishments, from one MSP-defined category of interchangeable uses to another MSP-defined category of interchangeable uses;

(b) changes of principal use of any structure, from any use within specified Table A categories to a use in another such category in Table A; and

(c) changes, as defined in the MUP Master Special Permit, of exterior features and site improvements such as signage, facades, landscaping, lighting, and parking.

For purposes of Section 2304.4.5.1(b), the specified Table A categories are Residential, Office, Institutional, Retail, Service Establishments, Place of Assembly, or Restaurants.

2304.4.5.2. Phase II Site Plan Review shall not apply to the following: (a) changes of principal or accessory use of such establishments within an MSP-defined category of interchangeable uses; and (b) changes in content of signage; replanting or other minor landscaping changes that do not result from a general redesign of landscaping for the Mixed-Use Project as a whole; restriping of parking areas; repair and maintenance; and such other items as the Planning Board determines do not require Phase II Site Plan Review, whether in its rules and regulations for the MUOD, on its own motion, or upon request.

2304.4.5.3. The applicant shall submit an application and plans showing proposed changes subject to Section 198-2304.4.5.1, and any other documents required by the MUP Master Special Permit and the Planning Board's rules and regulations for the MUOD. The Planning Board shall review the application to determine whether the proposed changes are consistent with the MUP Master Special Permit, the Phase I Site Plan Approval, and the performance standards set forth in Section 198-2309. The Planning Board shall hold its first hearing only after receipt of a complete application. The Planning Board shall render a written decision and file it with the Town Clerk within 60 calendar days after the first hearing, unless such time period is extended in writing by agreement of the Planning Board and the applicant. Any

appeal from of a decision of the Planning Board shall be made to a court of competent jurisdiction in accordance with the provisions of M.G.L. Chapter 40A, Section 17.

§198-2305. Special Permit Decision.

2305.1. Any special permit shall be subject to the requirements and conditions set forth in Section 198-203 and the performance standards set forth in Section 198-2309.

2305.2. When the application is for a MUP Master Special Permit, the Planning Board shall consider the following criteria, in addition to the requirements and conditions set forth in Section 198-203:

2305.2.1. The Mixed-Use Project must comply with the uses table, the dimensional requirements, and the Section 198-2309 performance standards. The Planning Board may not reduce the allowed Gross Floor Area, number of residential units, or bedroom counts below the limits permitted in Section 198-2308.2; impose more restrictive dimensional requirements than those set forth in Section 198-2308 and Table B; or disapprove project elements meeting performance standards under Section 198-2309.

2305.2.2. The MUP Master Special Permit shall be granted by the Planning Board only upon the Board's written determination that the adverse effects of the proposed Mixed-Use Project will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site.

2305.3. Where the application is for a special permit for building height in excess of 35 feet, in addition to the criteria set forth in Sections 198-203 and 198-2305.2, in order to grant a special permit, the Planning Board must find that such additional height will facilitate architectural variety, visual interest, and building scale in relation to other buildings, and it shall not grant relief to allow a building that is out of character with the neighborhood. Any such special permit for increased height may not be granted if it would or could be used to increase habitable space or be otherwise used for occupancy purposes.

2305.4. Where the application for a special permit is for a specific allowable use designated "SP" in Table A "Mixed-Use Overlay District Table of Uses," the additional criteria set forth in Section 198-203 also shall apply.

§198-2306. Special Permit Conditions.

2306.1. In any special permit granted by the Planning Board, the Board may, pursuant to MGL Chapter 40A, Section 9, and Section 198-203 of the Zoning Bylaw, as amended from time to time, impose additional reasonable conditions, safeguards, and limitations on time and use, which conditions may include but are not limited to the following:

2306.1.1. A phasing schedule for construction of each component part of the project which ensures integration of residential, non-residential, and municipal uses.

2306.1.2. A demolition and construction schedule, including a construction traffic management plan.

2306.1.3. Hours of operation, delivery times, and lighting schedule.

2306.1.4. A requirement that special permits and site plans be recorded in the Middlesex South Registry of Deeds and, if registered land, in the Land Court, prior to the issuance of any building permits.

2306.1.5. Compliance with plans approved in the MUP Master Special Permit and with all applicable federal, state, and local laws, rules, regulations, and bylaws;

2306.1.6. If circumstances so warrant, a requirement to continue monitoring off-site impacts to traffic and the environment in appropriate locations with regard to the locus of the MUOD development; and

2306.1.7. The right of the Planning Board, or its designated representative, to make inspections during the construction process.

2306.1.8. Restrictions on use of the streets within the Mixed-Use Project and all streets that allow access between the Mixed-Use Project and any public way.

§198-2307. Time Limit.

2307.1. Until such time as a Master Special Permit is issued for a Mixed-Use Project, and the appeal period following the Planning Board's decision has expired, the provisions of the underlying zoning shall solely govern the use and development of the property comprising the MUOD. At the time of the issuance of the first certificate of use and occupancy for a building constructed under the MUP Master Special Permit, the underlying zoning, as established in Section 198-301, shall no longer be applicable in the MUOD. If no MUP Master Special Permit is issued, however, within five years after the effective date of this Article, the provisions of this MUOD shall expire. In such event, the underlying zoning in effect on the date of adoption of this Article, and any amendments thereto, shall govern the use of the property shown on the zoning map of the MUOD.

§198-2308. Dimensional Requirements and Aggregate Limits.

2308.1. The dimensional requirements set forth in Table B "Mixed-Use Overlay District Table of Dimensional Requirements" apply to all Mixed-Use Projects and, to the extent Table B conflicts with the dimensions listed in the Table of Dimensional Requirements for the underlying zoning, Table B shall prevail. The following criteria apply to Table B:

2308.1.1. Minimum Total Area. All land within the MUOD must be located entirely within the Town of Wayland.

2308.1.2. Maximum Building Height. Height shall be as defined in Section 198-701.1.2, except that penthouses shall refer only to mechanical penthouses and that none of the items referred to in that section are used for occupancy purposes. Height shall be measured in accordance with the provisions of Section 198-104.2.

2308.1.3. Maximum Building Size. No building shall exceed 60,000 square feet of Gross Floor Area.

2308.1.4. Maximum Bulk for Freestanding Child-Care Facilities. No building used as a free-standing child-care facility shall have a building footprint exceeding 2,500 square feet.

2308.2. The total amount of development allowed under Article 23, exclusive of any uses related to a

wastewater treatment facility, is limited to 372,500 square feet of Gross Floor Area, of which 40,000 square feet of Gross Floor Area can be used only for municipal uses.

2308.2.1. The non-residential component of any Mixed-Use Project, exclusive of municipal uses and any uses related to a wastewater treatment facility, shall be limited to 165,000 square feet of Gross Floor Area. Not more than 156,750 square feet of such Gross Floor Area shall be dedicated to retail uses. Not more than 10,000 square feet of such Gross Floor Area shall be dedicated to office uses.

2308.2.2. The residential component of any Mixed-Use Project shall be limited to 167,500 square feet of Gross Floor Area. There shall be no more than 100 dwelling units, and there shall be no more than 200 bedrooms. Not more than 15 dwelling units within any Mixed-Use Project shall be three-bedroom units. No unit shall have more than three bedrooms.

2308.3. Aggregate limits on sizes and numbers of individual establishments.

2308.3.1. To ensure a mix of larger and smaller establishments devoted to retail, service, assembly or restaurant use, and without limiting the size or configuration of buildings, the size and number of individual establishments in the MUOD taken as a whole shall not exceed the following aggregate limits:

Size Category	*Maximum Gross Floor Area Allowed For Each Establishment*	*Minimum Number Required*	*Maximum Number Allowed*
A	More than 15,000 but not more than 45,000 sq.ft.	*(none)*	One
B	More than 10,000 but not more than 15,000 sq.ft.	*(none)*	Two
C	More than 7,000 but not more than 10,000 sq.ft.	*(none)*	Three (subject to Section 2308.3.2)
D	More than 5,000 but not more than 7,000 sq.ft.	*(none)*	Five (subject to Section 2308.3.2)
E	Not more than 5,000 sq.ft.	Seven	Unlimited

2308.3.2. In the Mixed-Use Project, any square footage not used in Size Category A can be allocated to one or more of Categories C, D, and E; any square footage not used in Size Category B can be allocated in one or more of Categories C, D, and E; any square footage not used in Size Category C can be allocated in one or more of Categories D and E; and any square footage not used in Size Category D can be allocated in Category E; all by increasing the maximum number of establishments allowed in a category into which unused square footage has been allocated.

§198-2309. Performance Standards.

2309.1. Landscaping.

2309.1.1. Landscaping within the MUOD shall be designed to promote the establishment, protection and enhancement of the natural landscape; ensure the appropriate use of plant material; preserve natural tree cover; and promote inclusion of new tree planting in order to reduce visual blight, noise and glare, prevent soil erosion, reduce stormwater runoff, increase ground water

discharge, create shade, and reduce solar overheating.

2309.1.2. The applicant shall prepare a landscaping plan showing that the Mixed-Use Project will meet these standards and the standards set forth in Section 198-606.

2309.2. Massing.

2309.2.1. Massing within the MUOD should promote buildings designed in a traditional New England style and create a Mixed-Use Project with an authentic, New England regional character to its buildings.

2309.2.1.1. Any buildings proposed for a Mixed-Use Project shall provide visual relief, generally every 30 feet, along the façade of each building.

2309.2.1.2. Building design throughout a Mixed-Use Project shall include designs which promote visual relief by including varying roof lines and roof heights.

2309.2.1.3. A Mixed-Use Project shall include residential buildings and buildings with multiple non-residential uses and a mix of buildings containing single or multiple establishments.

2309.3. Screening and Buffer Requirements.

2309.3.1. Screening and buffering should create visual barriers between features of the Mixed-Use Project from public streets and abutting properties. Such features shall include dumpsters and trash handling areas, mechanical equipment at ground level or rooftop, service entrances and utility facilities for building operation, loading docks and spaces, above-ground backflow preventers, and other components of the Mixed-Use Project as may be reasonably determined by the Planning Board to require screening and buffering.

2309.4. Signs.

2309.4.1. Signage must (a) be in keeping with a traditional New England town center; and (b) be integrated into the overall architectural design of the Mixed-Use Project.

2309.4.2. The following dimensional standards apply:

Size Category (see Section 198-2308.3.1)	*Area of Any Single Sign on a Primary Wall*	*Area of Any Single Sign on a Secondary Wall*
A	up to 120 sq.ft.	up to 60 sq.ft.
B	up to 60 sq.ft.	up to 40 sq.ft.
C, D, E	up to 40 sq.ft.	up to 25 sq.ft.

An establishment can have only one primary wall, to be designated in the signage plans referenced in Section 2309.4.6. All other designations will be made in the signage plans.

2309.4.3. For Size Category B, the allowed aggregate area of an establishment's main signs on the primary wall can be up to 90 sq.ft.

2309.4.4. For all Size Categories, the aggregate area of signage will be determined by special permit.

2309.4.5. Signs may be illuminated externally, but no sign can be illuminated internally.

2309.4.6. The applicant shall prepare signage plans indicating aggregate signage, maximum sign area, and proposed lighting, demonstrating that signs and proposed lighting will comply with Section 198-2309.4, Section 198-501 (except that the area and height limits specified in Section 198-501.1 shall not apply), and the Planning Board's rules and regulations for the MUOD.

2309.4.7. By special permit, the Planning Board may allow signage that varies from that which is permitted in Section 198-501.1 and Section 198-2309.4, including signage not on the same premises as the building, structure, or use to which the signage pertains (provided the signage is still within the MUOD).

2309.5. Stormwater Management.

2309.5.1. The stormwater management system within the MUOD should provide an adequate system for managing stormwater and should comply with all applicable federal, state and local laws, rules, regulations and bylaws, including the Stormwater Management Policy of the Massachusetts Department of Environmental Protection or any successor agency.

2309.6. Streets.

2309.6.1. Streets within the MUOD should provide for adequate access for emergency vehicles; accommodate the normal traffic expected in the Mixed-Use Project; provide for safe pedestrian access; and maintain pedestrian flow in, between, and throughout the residential and non-residential portions of the MUOD.

2309.6.2. The streets serving the Mixed-Use Project shall comply with the Planning Board's rules and regulations governing the subdivision of land, except to the extent waived by the Planning Board, and the Planning Board's rules and regulations for the MUOD.

2309.7. Parking and Loading Standards.

2309.7.1. The parking and loading design within the MUOD must provide adequate parking for the Mixed-Use Project, including for any educational, religious, and municipal uses and for any child-care facilities; allow for shared parking as appropriate; create parking fields separated by landscaped areas; create off-street parking areas that minimize curb cuts within the Mixed-Use Project; and create safe and comfortable passageways for pedestrians.

2309.7.1.1. A Mixed-Use Project shall provide multiple small parking areas of 50 or fewer spaces.

2309.7.1.2. Any larger parking areas shall be separated, whether by buildings, landscape features, or both. At least 10% of the interior of the parking area shall be maintained with landscaping, including trees, in landscape islands.

2309.7.1.3. Small parking areas shall be designed to include sidewalks at the perimeter to promote safe pedestrian passage; larger areas may incorporate pedestrian corridors delineated by paving materials, plantings and/or bollards.

2309.7.1.4. The provisions of Sections 198-506 and 198-507 of the Town's Zoning Bylaw shall not apply to the Mixed-Use Project, except that all off-street parking shall be subject to the provisions of Sections 198-506.6 and 506.7; and except that all off-street loading facilities shall be subject to the provisions of Section 198-507.

2309.7.1.5. For non-residential and non-municipal establishments, off-street parking space shall be provided at a minimum of five parking spaces per 1,000 square feet of Gross Floor Area.

2309.7.1.6. For residential uses, parking space shall be provided at a minimum of two parking spaces per dwelling unit.

2309.7.1.7. For any and all uses or structures not specifically provided for in the foregoing provisions, the parking design shall provide such parking spaces as the Planning Board shall determine to be necessary, considering the activities involved, to provide a maximum of safety and a minimum of congestion on the adjacent roadways.

2309.7.2. An application for a MUP Master Special Permit must include a parking/loading plan setting forth the number, location, and design (including landscaping and lighting) of parking spaces and loading areas. The application must also include a parking-and-loading study that supports the design of the parking/loading plan. Such study must be prepared by a qualified traffic engineer who is licensed by the Commonwealth of Massachusetts as either a Professional Traffic or Transportation Engineer or a Professional Civil Engineer with certification by the Transportation Professional Certification Board as a Professional Traffic Operations Engineer, as may be more fully described in the Planning Board's rules and regulations for the MUOD. If such study demonstrates that the interaction of uses will allow for shared parking and thus for a reduction in the otherwise-required minimum number of parking spaces, the Planning Board may, in Phase I or Phase II Site Plan Review, approve such a reduction.

2309.8. Lighting.

2309.8.1. The lighting design within a Mixed-Use Project should accommodate public safety and welfare, and protect the night sky from unnecessary ambient light. Any lighting plan submitted for a Mixed-Use Project shall, at a minimum, include the following:

2309.8.1.1. All lighting installations shall be designed to achieve no greater than the minimum luminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

23098.1.2. To prevent glare on off-site locations, all outdoor lighting fixtures shall be full cut-off. Where necessary to prevent light trespass or glare, accessories such as hoods and shields shall be used on lighting fixtures. The source of light shall be so arranged and shielded as to prevent direct glare from the light source into any public street or onto adjacent property.

2309.8.1.3. Security lighting shall be shielded and directed at a downward angle.

2309.8.2. The applicant must submit a lighting study showing that the Mixed-Use Project will meet these standards and the applicable standards set forth in Section 198-606.

2309.9. Open Space.

2309.9.1. The design of the Mixed-Use Project shall promote and ensure public common space within the MUOD. Any MUP Master Special Permit shall provide at least two acres of contiguous upland open space to serve as a public commons, and additional suitable open space throughout the Mixed-Use Project to serve public purposes; provided, however, the Planning Board may approve a smaller open space area where such open space promotes the purposes set forth in this standard. The applicant shall prepare an open space plan indicating the bounds of such open space, and a plan for the ownership, operation and maintenance of the open space.

2309.10. Aquifer Protection.

2309.10.1. The Mixed-Use Project must comply with Article 16 of the Town's Zoning Bylaw (the "Aquifer Protection District" bylaw); provided, however, that Section 198-1604.1 shall not apply and that for purposes of Section 198-302.2 and 198-1604.2, no land within the MUOD shall be construed to be a "residential lot."

2309.10.2. The Article 16 groundwater recharge requirements shall be inapplicable to the extent necessary (and only for the duration of time specified by the LSP) to comply with an activity-and-use limitation or other restriction imposed on the site by or under the supervision of the Licensed Site Professional of record ("LSP") acting pursuant to the provisions of MGL Chapter 21E or 310 CMR 40.000 *et seq.,* as evidenced by documentation from the LSP of record submitted to the Planning Board.

2309.10.3. The Article 16 groundwater recharge requirements shall be inapplicable to the extent inconsistent with (and only for the duration of time specified by the LSP) a response action taken or a response action to be undertaken pursuant to the provisions of MGL Chapter 21E or 310 CMR 40.000 *et seq.,* with respect to oil or hazardous materials on this site or affecting the site, as evidenced by documentation from the LSP of record submitted to the Planning Board.

2309.10.4. Notwithstanding any provision of Article 16 to the contrary, the impervious surface area of a Mixed-Use Project shall not exceed 65% of the upland area of the MUOD.

2309.11. Affordable Units.

2309.11.1. In lieu of Article 22 of the Town's Zoning Bylaw (the "Inclusion of Affordable Housing" bylaw), the following standards shall apply in the MUOD. At least 25% of the dwelling units shall be Affordable Units. The term "Affordable Unit" shall mean a dwelling unit reserved in perpetuity for rental or ownership by a household earning less than 80% of area median family income, and priced to conform with the standards of the Massachusetts Department of Housing and Community Development ("DHCD") for rental or ownership units set forth in 760 CMR 45.03(4), as amended from time to time, in order that such Affordable Units shall be included in the DHCD Subsidized Housing Inventory. Affordable Units shall be subject to the following conditions:

2309.11.1.1. Each Affordable Unit shall be affordable in perpetuity. A Deed Rider or other suitable restriction shall assure this condition. The Deed Rider shall be structured to survive any and all foreclosures.

2309.11.1.2. When an Affordable Unit is proposed for sale, the continuing enforcement of the Deed Rider through subsequent resales shall be the subject of a Monitoring Agreement and in

accordance with Sections 198-2207.3 and 198-2207.6 of Article 22 of the Town's Zoning Bylaw.

2309.11.1.3. The Deed Rider and the Monitoring Agreement shall be drafted in compliance with 760 CMR 45.00 (Local Initiative Program), as amended from time to time, and guidelines promulgated thereunder. The Deed Rider and the Monitoring Agreement shall be subject to review and approval by the Planning Board and approved as to form by Town Counsel prior to the issuance of the first certificate of occupancy for any dwelling unit in the MUOD.

2309.11.1.4. The Affordable Units shall conform to the DHCD standards for inclusion in the DHCD Subsidized Housing Inventory.

2309.11.1.5. A right of first refusal in accordance with Section 198-2207.7 of the Town's Zoning Bylaw shall be granted to the Town or its designee for a period not less than 120 days after notice thereof.

2309.11.1.6. The Affordable Units must satisfy the design and construction standards of the Local Initiative Program, 760 CMR 45.00, as amended from time to time, with regard to indistinguishability from market-rate units. It is the intent of this Article 23 that the Affordable Units shall be eligible for inclusion in the DHCD Subsidized Housing Inventory as Local Initiative Program units.

2309. 11.1.7. The Affordable Units must be constructed and occupancy permits obtained at the rate of one Affordable Unit for every three market-rate units.

2309. 11.1.8. In computing the number of required Affordable Units, any fraction of a unit shall be rounded up, and the result shall be the number of Affordable Units to be built within the MUOD and not off-site.

2309.12. Efficiency of Design.

2309.12.1. Every effort shall be made to design buildings and use materials and construction techniques to optimize daylight in building interiors, natural ventilation, and energy efficiency; to minimize exposure to and consumption of toxics and non-renewable resources; and to incorporate appropriate "green" design techniques.

2309.13. Utilities.

2309.13.1. To the extent practicable, electric, telephone, cable TV, and other utilities on the site shall be placed underground.

§198-2310. Peer Review. The Planning Board, at the expense of the applicant and pursuant to M.G.L. Chapter 44, Section 53G, may engage qualified peer reviewers, including, but not limited to, traffic engineers, civil engineers, landscape architects, architects, wetlands scientists, lighting technicians, and attorneys, to review all Concept Plans, special permit applications and Site Plan Review applications.

§198-2311. Rules and Regulations. The Planning Board shall adopt and may, from time to time,

amend, reasonable rules and regulations for special permit applications and site plan reviews in the MUOD and for the implementation of this Article. Such rules and regulations shall take effect upon their filing with the Town Clerk. Applications must be submitted on a form provided by the Planning Board and must be in accordance with those rules and regulations in effect at the time of such application. If later amendments of the Planning Board's rules and regulations for the MUOD change any of the submittal requirements, the Planning Board can request additional submittals from the applicant to the extent that doing so is reasonable and appropriate.

§198-2312. Relation to Other Requirements. The submittals required by this Article shall be in addition to any submittals required by the Massachusetts Subdivision Control Law and the Planning Board's rules and regulations on subdivision control.

§198-2313. Inapplicability of Certain Other Regulations. Where this Article specifies some standard or makes some other requirement contrary to a requirement set forth elsewhere in the Town's Zoning Bylaw, the provisions of this Article, as may be amended from time to time, shall govern.

2.) Inserting the following table immediately after the Table of Permitted Uses By District:

TABLE A
FOR ARTICLE 23
MIXED-USE OVERLAY DISTRICT
TABLE OF USES

KEY
A = Allowed as of right
MSP = Allowed by Mixed-Use Project Master Special Permit
SP = Allowed by Mixed-Use Project Master Special Permit together with a separate special permit
N = Not allowed

PRINCIPAL USES	
RESIDENTIAL USES	
Multifamily or attached dwelling (containing 3 or more dwelling units)	MSP
Dwelling unit above Office, Retail, or Service uses	SP
Single or two-family dwelling	N
Any multifamily dwelling containing more than 20 dwelling units	SP
OFFICE USES	
Professional offices such as accountants, attorneys, engineers, architects; medical and dental offices; offices of licensed physical and mental health professionals	MSP
Offices of sales agents; agents and representatives of manufacturing, distributing, insurance, and wholesale companies without storing of goods for sale	MSP
Administrative, general, executive, and similar office space	MSP
Diagnostic medical laboratories appurtenant to offices of physicians and dentists	SP
Residential sales or rental office	MSP
Bank or financial institutions without drive-up window	MSP
Bank or financial institutions with drive-up window	SP
INSTITUTIONAL USES	
Municipal uses	A
Post Office	MSP
Community center and public recreation space	SP

Post Office use exceeding 15,000 square feet of Gross Floor Area	SP
RETAIL USES	
Retail sales	MSP
Retail sales conducted with an applicable license outside a building	MSP
Food store, not to exceed 45,000 square feet of Gross Floor Area -- maximum one	MSP
Shop of artist or craftsperson	MSP
Retail sales in a building with more than 60,000 square feet of Gross Floor Area	N
SERVICE ESTABLISHMENTS	
General service establishments, including appliance repair, radio or TV repair	MSP
Personal service establishments, including barber, hairdresser, photography studio, decorator, stationer, dressmaking, tailor, shoe repair	MSP
Dry cleaning or laundry establishment	SP
Dry cleaning or laundry pick-up station	MSP
Travel agency or travel service	MSP
Printers and similar shops or trades	SP
PLACE OF ASSEMBLY	
Outdoor commercial recreation other than campgrounds	SP
Theaters and cinemas	SP
Indoor commercial recreation, including tennis club, health or fitness club, day spa	MSP
RESTAURANTS	
Restaurant and/or bakery, with no outside seating and no drive-up window	MSP
Restaurant and/or bakery, with outside seating and no drive-up window	SP* (*special permit limited to the outside seating only)
Restaurant, fast-food	N
ALL OTHER USES	N
ACCESSORY USES	
Outdoor storage of products for sale	N
Cafeteria, lunch or soda counter, ice cream establishment, or food service in food store	MSP
Cafeteria, lunch or soda counter, ice cream establishment, or food service other than in food store	SP
Uses and structures customarily incidental to principal use	MSP
Outdoor display of goods for sale at retail establishment	MSP
Child care facility (not to exceed 2,500 gross square feet)	MSP
Bank automated teller machine	MSP
Management or maintenance office (not to exceed 2,500 gross square feet)	MSP
Parking structure with parking on multiple levels	SP
Photo processing if self-contained process	MSP
Garage space – above or below ground level	SP
Garage space – at ground level	MSP
Drive-up windows	N

(To be inserted after Table of Dimensional Uses)

TABLE B FOR ARTICLE 23
TABLE OF DIMENSIONAL REQUIREMENTS IN THE MIXED-USE OVERLAY DISTRICT

REQUIREMENT	
Minimum land area for the MUOD	50 contiguous acres
Minimum lot area for building or structure	None
Minimum lot frontage	None
Minimum setback from edge of curb, unless otherwise authorized by special permit	15 feet
Minimum setback from MUOD perimeter boundary, unless otherwise authorized by special permit	50 feet
Maximum building coverage of lot	100%
Maximum building height	35 feet as of right; up to 45 feet by special permit (see Section 198-2305.3)

3.) Inserting under Section 198-302.1.8 thereof a new Section 198-302.1.10:

302.1.10. A Mixed-Use Overlay District that includes the land as shown on Plate 23 of the Atlas of the Town of Wayland, Massachusetts, 2002, numbered as Parcels 23-052, 23-052B, 23-052C, and 23-052F, and as shown on the plan entitled "Town of Wayland Mixed-Use Overlay District," Survey Department, 41 Cochituate Road, Wayland, MA, 01778, dated September 6, 2005, a copy of which is on file in the office of the Town Clerk.

4.) Adding said Mixed-Use Overlay District to the Zoning Map referenced in Article 3 thereof (See Map at Appendix G).

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until Special Town Meeting.

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent with Massachusetts and federal law.

ARTICLE 3: AMENDMENT TO MIXED USE OVERLAY DISTRICT ARTICLE

Proposed by: Petitioner

To amend Article 23 of the Town's Zoning By-Laws, entitled Mixed-Use Overlay District, by adding a new subsection 2309.6.3: "There shall be no vehicular access to or from Old Sudbury Road permitted other than by emergency vehicles; but use shall be permitted by vehicles of residents or guests of residents of the MUOD or of any property abutting said MUOD, provided that access from the residential portion of the MUOD to Old Sudbury Road is physically segregated from the non-residential portion of the MUOD."

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to

research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until Special Town Meeting.

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is inconsistent with Massachusetts law in that it seeks to amend a zoning by-law which is not presently in effect.

ARTICLE 4: SELL SURPLUS PARCELS OF TOWN-OWNED LAND

Proposed by: Board of Selectmen

To determine whether the Town will vote to:

(A) instruct the following boards and committees to transfer the care, custody, management and control of the parcels of Town-owned land listed below from the following Town boards and committees to care, custody, management and control of the Board of Selectmen for the purpose of conveying, selling or otherwise disposing of said parcels of land; and

(B) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to convey, sell or otherwise dispose of the following parcels of land, subject to such restrictions and limitations as the Selectmen deem appropriate.

Location	Custodial Board/Committee	Assessors' Parcel and Map #
0 Sycamore Road	Board of Road Commissioners	42D
		69
0 Sycamore Road	Board of Road Commissioners	42D
		70
8 Sycamore Road	Board of Selectmen	46B
		47
8 Sycamore Road	Board of Selectmen	46B
		48
59 Sycamore Road	Board of Road Commissioners	42D
		112
0 Riverview Circle	Board of Selectmen	36C
		061A
0 Riverview Circle	Board of Selectmen	36C
		062A
7 Cedar Crest Road	Park & Recreation Commission	43A
		13
0 Cedar Crest Road	Board of Selectmen	43A
		14
7 Mayflower Road	Board of Road Commissioners	42D
		50
52 Hawthorne Road	Board of Road Commissioners	42D
		84
0 Stanton Street	Park & Recreation Commission	51C
		9
0 Dunster Avenue	Board of Road Commissioners	51B
		53

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until Special Town Meeting.

QUANTUM OF VOTE: (A) Two-thirds – see Massachusetts General Laws Chapter 40, Section 15A.
(B) Majority - see Massachusetts General Laws Chapter 40, Section 3.

ARTICLE 5: EXPANSION OF HIGH SCHOOL BUILDING COMMITTEE

Proposed by: School Committee

To determine whether the Town will vote to amend the vote taken under Article 5 of the Warrant for the Special Town Meeting held on November 24, 2003 by authorizing an increase in the membership of the High School Building Committee, up to a total of fifteen members, with said additional or replacement members to be appointed by a joint committee composed of not more than two members of the School Committee, not more than two members of the Finance Committee and not more than two members of the Board of Selectmen.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote this Special Town Meeting Article. We will therefore defer commentary and recommendation until Special Town Meeting.

QUANTUM OF VOTE: Majority.

ARTICLE 6: INCREASE NUMBER OF ASSESSORS FROM THREE TO FIVE

Proposed by: Board of Assessors

To determine whether the Town will vote to increase the number of Assessors to be elected by the voters of the Town from three to five.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until Special Town Meeting.

QUANTUM OF VOTE: Majority – See Massachusetts General Laws Chapter 41, Sections 1 and 7.

ARTICLE 7: DECREASE INTEREST RATE ON DEFERRED PROPERTY TAX PAYMENTS FOR QUALIFYING SENIOR CITIZENS

Proposed by: Board of Selectmen

To determine whether the Town will vote pursuant to Chapter 136 of the Acts of 2005 to decrease from eight percent per annum to 3.5 percent per annum the interest rate payable on property tax payments which have been deferred for qualifying senior citizens pursuant to Massachusetts General Laws Chapter 59, Section 5, Clause Forty-First A, effective July 1, 2006.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until Special Town Meeting.

QUANTUM OF VOTE: Majority – See Massachusetts General Laws Chapter 59, Section 5, as amended by Section 1 of Chapter 136 of the Acts of 2005.

ARTICLE 8: AMEND BY-LAW RE: RECONSIDERATION OF ARTICLES BY TOWN MEETINGS

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend its General By-Laws relative to reconsideration of articles by town meetings, Article II, Chapter 36, Section 36-10 of the Code of the Town of Wayland, by:

[Key to changes: underlining denotes additions; ~~strikethrough~~ denotes deletions]

If an article of the warrant has once been acted upon and disposed of, a motion to return to the article may be made at any time~~;~~, if the person offering the motion discloses significant new information to the town meeting concerning said article, which had not been disclosed or made available to the meeting when the motion under that article was debated; provided however, that debate and action on said motion shall be deferred until all other articles shall have been disposed of. In any event, a two-thirds vote shall be required for approval of a motion to return to an article.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until Special Town Meeting.

QUANTUM OF VOTE: Majority- see Massachusetts General Laws Chapter 40, Section 21

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent with Massachusetts and federal law.

ARTICLE 9: ADOPT BY-LAW RE: AUTHORIZING BOARDS AND COMMITTEES TO ADOPT RULES AND REGULATIONS

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend its General By-Laws relative to Boards, Commissions and Committees, Chapter 6 of the Code of the Town of Wayland, by adding to said Chapter 6 the following new section:

"§6-4. Rules and Regulations.

All appointed and elected boards, commissions and committees of the Town, except for temporary advisory committees and ad hoc committees, are authorized to adopt and amend reasonable rules and regulations relative to all matters and affairs under their jurisdiction for which authorization to do so is not otherwise provided or directed by statute.

Prior to adopting or amending such rules and regulations, the board, commission or committee proposing them shall hold a public hearing thereon, notice of which, giving the time, date and place shall be placed in a newspaper of general circulation in the Town, once in each of two successive weeks, with the first such publication being not less than fourteen (14) days before the hearing. Any such rules and regulations so adopted or amended shall be filed in the Office of the Town Clerk whereupon they shall take effect. After any such rules and regulation are so filed, they may be published and included in the Code of the Town of Wayland or in separate pamphlets and shall be posted on the Town's official website or on the official website of the Town board, commission or committee that filed them and a copy shall be filed in the Town Library. The authority to adopt rules and regulations provided for in this by-law shall be supplemental to the authority that Town boards, committees and commission have from any other source.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote this Special Town Meeting Article. We will therefore defer commentary and recommendation until Special Town Meeting.

QUANTUM OF VOTE: Majority- see Massachusetts General Laws Chapter 40, Section 21

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent with Massachusetts and federal law.

ARTICLE 10: FUNDING FOR PROFESSIONAL ARCHITECTURAL ENGINEERING SITE PLANNING AND RELATED CONSULTING SERVICES FOR THE FORMER NIKE SITE ON OXBOW ROAD

Proposed by: Board of Selectmen, Nike Site Reuse Advisory Committee and Community Preservation Committee *Estimated Cost: $40,000*

To determine whether the Town will vote to appropriate a sum of money to be expended by the Board of Selectmen for the purpose of funding professional architectural, engineering, site planning and related consulting services in connection with the continued development of a site plan study for Lot 2 and a schematic building design for up to 16 units of housing (with a preference toward affordable units) on Lot 2 or Lot 2A of the former Nike Site located on Oxbow Road, and the creation of a comprehensive permit application or a request for proposal that can be sent to prospective housing developers; and to determine whether such appropriation shall be provided by transfer from the Community Preservation Fund, or, if needed, by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or the Federal Government, by borrowing, or otherwise.

SPONSOR'S COMMENTS: The Nike Site Reuse Advisory Committee ("NSRAC") has been charged with, among other things, planning for and overseeing the development of the former Nike Site which was acquired by the Town this past spring. The NSRAC has begun to develop plans for the housing on Lot 2. The NSRAC is in need of certain professional architectural, engineering, site planning and related consulting services in order to fulfill its charge. To date, the NSRAC has applied for, and been awarded, a $30,000 grant from the Priority Development Fund which is administered by the Department of Housing and Community Development. This grant has been used to develop the first stages of site plans and building design in order to apply for a site approval letter from the state. The next step will be to further develop the designs and prepare other documentation necessary to pursue the comprehensive permit to construct the housing on Lot 2. The NSRAC has projected the costs for such professionals to be approximately $40,000 for the additional work needed to proceed

with the comprehensive permit. The additional amount requested under this article will allow the NSRAC to complete its planning, design and related work with respect to Lot 2.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until Special Town Meeting.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7.

ARTICLE 11: ARTICLE 24 – SCENIC AND HISTORIC ROAD OVERLAY DISTRICT

Proposed by: Planning Board

To determine whether the Town will vote to amend its Zoning By-Laws, Chapter 198 of the Code of the Town of Wayland, by:

A. Inserting under section 198-302.1.7 thereof the following new section 198-302.1.8:

198-302.1.8. A Scenic and Historic Road Overlay District (herein referred to as the "District") to include all land within the boundaries of the District. The boundaries of the District to be, as shown on the Plan entitled "Town of Wayland Scenic and Historic Road Overlay District" Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated February 28, 2006, and as amended from time to time by a two-thirds vote of Town Meeting, a copy of which is on file in the office of the Town Clerk. The Hazel Brook Watershed, so-called, is an area in the Northeast section of the Town of Wayland that is included in the District as shown on the Plan. Within the Hazel Brook Watershed, in addition to all designated Scenic Roads, as defined in Section 158-4 of the Code of the Town of Wayland, the following Rights-of-Way, within the District are designated as Scenic District Roads for the purposes of the definitions in Section 198-2402 of Article 24 now or at such time as Section 198 of Article 24 is adopted into the Code of the Town of Wayland: Peartree Lane, and Folsoms Pond Road.

B. Adding said Scenic and Historic Road Overlay District to the Zoning Map referenced in Article 3 thereof (See Map at Appendix A).

C. To determine whether the Town will vote to amend its Zoning By-Laws, Chapter 198, of the Code of the Town of Wayland, by adding the following new Article 24:

Article 24
Scenic and Historic Road Overlay District

198-2401. Purpose.
198-2402. Definitions.
198-2403. Overlay District.
198-2404. Permit Required for Regulated Activities.
198-2405. Approval Processes.
198-2406. Development Standards.
198-2407. Allowed Activities.

198-2408. Administration.
198-2409. Regulations and Fees.

198-2401. Purpose.

2401.1. The purposes of the Scenic and Historic Road Overlay District (hereinafter referred to as the "SHROD") include but are not limited to:

2401.1.1. preserving the woodlands and open space which contribute to the rural landscape and vistas along the ways of Wayland within the SHROD;

2401.1.2. maintaining the semi-rural character of Wayland;

2401.1.3. protecting and enhancing the scenic and historic features of the SHROD;

2401.1.4. promoting, as mutually compatible objectives, reasonable use of land and protection of natural resources and scenic views; and

2401.1.5. recognizing the value of rural landscape and vistas.

198-2402. Definitions.

2402.1. In addition to the definitions provided in Chapter 198, the following definitions shall apply to this Article.

Cutting or Removal of Trees: The removal of one or more trees, trimming of branches, cutting of roots, or grading or filling sufficient to impair the viability of a tree, but not including ordinary plant husbandry such as but not limited to pruning and removal of dead or dying branches, cultivation, or planting of new trees.

Excluded Way: Any Right-of-Way within the geographic area at the time such geographic area is included in the SHROD that is not at that time a Scenic Road or a Scenic District Road.

Hazardous Tree: A tree which has a structural defect or disease, which impedes safe sight distance or traffic flow, or which is in a condition that poses a threat to life or property.

Regulated Activity: Any construction, reconstruction, alteration, expansion or structural change of a structure within a Scenic Buffer, and any Cutting or Removal of Trees or the replacement of trees within a Scenic Buffer, removal of an Undesirable Tree and any Cutting or Removal of Trees within the bounds of a Scenic Buffer.

Right-of-Way: As defined in Section 198-104 of the Code of the Town of Wayland.

Road: As defined in Section 158-6 of the Code of the Town of Wayland and that is entirely maintained by the Town of Wayland and is open to public use.

Street: As defined in Section 198-104 of the Code of the Town of Wayland.

Scenic Buffer: All land along each side of a Scenic District Road within the greatest distance of (i) twenty-five (25) feet from the edge of the Way, (ii) twenty-five (25) feet from the side of any stone wall facing and bordering on the Way, or (iii) fifty (50) feet from the centerline of the Way but not greater than twenty-five (25) feet as measured into the lot from the lot line bordering on a Way, and notwithstanding the foregoing subparts (i), (ii) and (iii), no greater than the setback applicable to that lot line in the zoning district.

Scenic District Road: Any Way that is not an Excluded Way within the SHROD.

Scenic Road: As designated in the Town of Wayland pursuant to M.G.L. 40, Section 15C and the Scenic Road Bylaw (Article IV, Scenic Roads, of Chapter 158, adopted 5-4-1995 by Art. 32) (Art. 34 of the 1973 Bylaws) as of the time of the adoption of this Article 24.

SHROD: The Scenic and Historic Road Overlay District as defined in Section 198-302.1.8.

Structure: As defined in Section 198-104 of the Zoning Bylaw.

Tree: A living tree in its naturally standing position, the trunk of which has a diameter of four inches or more one foot above the ground and any clump of two (2) or more trunks belonging to the same tree whose two (2) trunks or whose three (3) largest trunks together have in the aggregate a cross-sectional area of thirteen (13) square inches or more one foot above the ground. Nothing in this definition shall be construed to permit a person, other than the Tree Warden, to trim, cut down or remove a public shade tree.

Undesirable Tree: A Tree that in the opinion of a certified arborist, landscape architect or Tree Warden is considered an invasive species or has grown in a manner such that it no longer adds to the scenic values of Sections 198-2401 and 198-2406.

Way: Any Road, any Street, any Right-of-Way that is not private and that is open to public use or common driveway or other common access to two or more lots that has been or in the future is approved by the Planning Board as part of a subdivision, a cluster development or under any other bylaw or regulation and any Right-of-Way adopted or accepted by the Town of Wayland that currently exists or that may be constructed or altered in the future.

198-2403. Overlay District.
2403.1. The SHROD shall be construed as an overlay district superimposed on the Town of Wayland's zoning districts and other relevant bylaws, including but not limited to the Scenic Roads Bylaw. All requirements of the underlying district(s) shall remain in full force and effect. Uses that are prohibited or restricted in the underlying zoning district are not permitted in the SHROD.

198-2404. Permit Required for Regulated Activity.

2404.1. No person or the Town of Wayland or a Town of Wayland Department shall undertake any Regulated Activity without first obtaining approval of the Planning Board.

198-2405. Approval Processes.

2405.1. Prior to the commencement of any Regulated Activity, the applicant must submit to the Planning Board the following:

2405.1.1. A plot plan acceptable to the Planning Board prepared by or on behalf of the property owner or other person showing the proposed activity, and all stone walls, the location of all trees, the boundary of wetlands, prominent rocks, and other natural features within the Scenic Buffer and the boundaries of any Ways.

2405.1.2. Documents photographs or graphics that depict existing Trees, Structures, topography, large shrubbery, stone walls and fences within the Scenic Buffer in which the applicant proposes to conduct a Regulated Activity and the adjacent side of a Way and immediately surrounding area of the affected lot within fifty (50) feet of the Scenic Buffer.

2405.1.3. A plan showing the proposed activity and its effect on existing conditions.

2405.1.4. Any mitigation and restoration plans for the Scenic Buffer as required by the Planning Board.

2405.2. Along with the application, the applicant must provide to the Planning Board (i) the text of the notice of the public hearing that identifies the location and nature of the proposed activity in reasonable detail and (ii) a statement that all other Town of Wayland boards or commissions that may have jurisdiction over some or all of the proposed activity have been consulted and that the appropriate applications for relief have been or will be made.

198-2406. Development Standards:
2406.1. Regulated Activity shall be designed to preserve and protect scenic, ecological and historic features in the Scenic Buffer. Within the SHROD the following site planning standards apply:

2406.1.1. For the purpose of reducing the visual and other impacts of roadside development in wooded areas and to preserve the canopy of mature trees in the SHROD, a strip of natural vegetation within the Scenic Buffer shall be retained along the Way. No Regulated Activity shall take place without prior Planning Board approval and a determination that such activity, as proposed, will preserve to the maximum extent feasible and not impair the scenic, ecological and historic features, which are to be protected in the SHROD.

2406.1.2. Stone walls shall not be removed from the Scenic Buffer without Planning Board approval except for the construction of a driveway of minimum feasible width under applicable Town of Wayland bylaws and regulations or for construction of a road, common driveway or other common access to two or more lot under approval of the Planning Board as part of a subdivision, a cluster development or any other bylaw or regulation.

2406.1.3. No new Structure and no expansion of an existing footprint of a Structure shall be permitted within the Scenic Buffer.

198-2407. Allowed Activities:

2407.1. The provisions of 198-2404, 198-2405, and 198-2406 shall not apply to the following activities:

24207.1.1. Removal and or pruning of a Hazardous Tree.

2407.1.2. Mowing and routine maintenance of vegetation and removal of dead or diseased limbs necessary to maintain the health of a Tree, to contain noxious weeds and/or vines in accordance with a Department of Environmental Management (DEM) - approved Forest Management Plan, or to remedy a potential fire or health hazard or threat to public safety.

2407.1.3. Agricultural activities conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan or agricultural uses on parcels of land of more than five acres as specified in MGL c. 40A Section 3.

2407.1.4. Repairs to an existing Structure.

2407.1.5. Reconstruction of any Structure damaged by casualty in accordance with the building and zoning laws and regulations.

2407.1.6. Maintaining, repairing, or replacing, but not substantially changing, or enlarging, an existing and lawfully located Structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that the work conforms to performance standards and design specifications in the bylaws of the Town of Wayland.

2407.1.7. Performance by the Town or a Town Department of normal maintenance and care of trees.

2407.1.8. Erecting, repairing, or replacing a mailbox conforming to the rules and regulations of the United States Postal Service.

198-2408. Administration.

2408.1. No Regulated Activity may occur without the prior approval of the Planning Board, which approval shall not be granted unless the proposed alterations are not contrary to the purposes and development standards of this Article.

2408.2. Applicants seeking to perform a Regulated Activity within a Scenic Buffer shall submit an application therefore in accordance with Section 198-2405. The Planning Board shall administer all applications for any Regulated Activity and monitor the Regulated Activity to determine compliance with this Article.

2408.3. Notice. The Planning Board shall give notice of a public hearing on the application by advertising in a newspaper of general circulation in the area at the expense of the applicant, with publication of the notice to be at least fourteen (14) days and then at least seven (7) days prior to the hearing and mailing of the notice at least fourteen (14) days prior to the hearing to abutters of the land (as determined by the most recent Assessors' records) on which the proposed activity is to take place and to such other persons as the Planning Board may determine and by posting in the Town Building. Copies of the notice shall be sent to the Conservation Commission, Historical Commission, Tree Warden and Wayland Highway Department.

2408.4. Timing of the hearing. The Planning Board shall hold a public hearing within thirty (30) days and shall make a decision within sixty (60) days of receipt of a properly filed request, unless a longer time is agreed to by the applicant.

2408.5. Reporting of decision. The Planning Board shall, within ninety (90) days of receipt of a properly filed request, submit a written determination of consent or denial to the applicant and send a copy thereof to the Tree Warden, Wayland Highway Department and the Town Clerk.

2408.6. Enforcement

2408.6.1. When a Regulated Activity occurs without the prior approval of the Planning Board, the Building Commissioner/Zoning Enforcement Officer shall require the landowner to restore the features impaired. The restoration shall consist of replacing stone walls, replacing the trees cut on a square-inch-per-square-inch basis (the combined cross-sectional area of the replacement tree trunks measured one foot above ground level shall equal the total cross-sectional area of the cut tree trunks as measured at the stump at ground level) at or as near as possible to the locations of the cut trees and restoring topography and other natural features. In addition to and not in lieu of any obligation to restore the features impaired, any violation of this Article shall be punishable by a civil penalties or fines not to exceed (a) twenty-five dollars for the first offense, (b) fifty dollars for the second offense, c) one hundred dollars for the third offense, and d) three hundred dollars for the fourth and each subsequent offense, with each day that the restoration is not completed being a new offense, to be enforced in accordance with Section 198-205 of the Zoning Bylaw.

2408.6.2. Regulated Activity may be permitted within a Scenic Buffer in the event of an emergency to restore or repair interrupted sewer, water, gas, electric, telephone and other such essential services, in which event the Building Commissioner/Zoning Enforcement Officer shall be notified as soon as practicable of the Regulated Activity by the owner of the land affected and by the person performing the Regulated Activity.

2409. Regulations and Fees.

2409.1. The Planning Board shall adopt and publish within twelve (12) months of the effective date of this Article, and may amend from time to time, regulations that shall conform to the requirements of this Article that the Planning Board deems necessary to govern applications and their approval and concerning performance standards in the SHROD. Said regulations shall consider activities such as but not limited to de minimis activities, expedited application review and processing, notice and publication. Said regulations shall also include a provision that the Planning Board may waive strict compliance with said regulations only when, in the written judgment of the Planning Board, said

waiver is in the public interest and is not inconsistent with this Zoning Bylaw, this Article and said regulations.

2409.2. The adoption or amendment of said regulations shall be after a public hearing, which shall be advertised two different weeks in a newspaper of general local circulation, the first advertisement to appear no less than seven calendar days prior to the date of the hearing. Adoption or amendment of said regulations shall be by majority vote of the Planning Board.

2409.3. The Planning Board shall establish, and from time to time may amend, a schedule of fees for applications submitted as required by this Article. No application hereunder shall be considered complete unless accompanied by the required fees.

SPONSORS' COMMENTS: According to Massachusetts Audubon Society *40 acres of open space are developed every day.* The Scenic and Historic Road Overlay District Bylaw (SHROD) protects what makes Wayland special for the many residents who moved to town for its scenic vistas of meadows, woodlands and farmland. By creating a scenic buffer, the SHROD preserves stonewalls dating from colonial days and mature tree canopies. Residents can plant trees, shrubbery, flowers and other plant material within the scenic buffer. Within the scenic buffer, repair to existing structures or reconstruction of structures due to casualty is also allowed. Residents can perform plant husbandry to trim dead or diseased branches. Regulated activities, such as removal of trees in the scenic buffer, require a simple approval from the Planning Board. The site plan can be drawn up using a tape measure, a camera and the plot plan available when the property was purchased by the applicant.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until Special Town Meeting.

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent with Massachusetts and federal law.

APPENDIX A

THE MODERATOR'S RULES AND REGULATIONS GOVERNING WAYLAND'S TOWN MEETINGS

The following information may help you to participate fully in Wayland's town meetings, which have been held each year since 1639:

I. The Warrant

This booklet, which includes the Warrant for Wayland's Town Meeting, was compiled by the Selectmen and served upon all residents by mail and by posting on the Town's signboards, at the Town Building, the Library at Wayland Center, the Cochituate Fire Station or the Cochituate Post Office and the Happy Hollow School. It contains the agenda of the subjects to be acted upon (articles), including the omnibus budget proposed, if this is an annual meeting, the report and recommendations of the Finance Committee upon each article and additional information concerning the finances and administration of the Town to help us formulate our votes.

No action of this Town Meeting will be valid unless it shall have been taken under an article set forth in the Warrant.

Each article will be considered in the order in which it appears on the Warrant, unless the meeting shall have voted to do otherwise by a two-thirds vote.

II. The Voters

A. All residents of Wayland, who have been duly registered as voters, are urged to attend, participate, debate and vote at all annual and special town meetings subject to laws of the Commonwealth of Massachusetts, the By-Laws of the Town and these rules and regulations.

B. All other persons may attend and observe Wayland's town meetings so long as they remain seated in the special section that has been reserved for this purpose, unless the Moderator shall have authorized them to sit among the registered voters. And see paragraph IV.B.3 below.

C. A registered voter may bring his or her child(ren) to sit among the voters so long as the child(ren) sit(s) quietly beside his or her parent at all times.

III. The Moderator

The Moderator is elected by ballot for a three year term at the annual election of town officers to preside at all Town meetings during his or her term of office and is authorized by state law to regulate the proceedings, decide all questions of order and make public declaration of all votes, subject to the By-laws that Wayland has enacted to regulate the proceedings of town meetings. All rulings of the Moderator are final.

IV. The Meeting

A. The Call to Order

1. The Moderator will call each session of town meeting to order at 7:45 p.m., or as soon thereafter as the Town Clerk has determined that a quorum of one hundred registered voters has been checked into the hall.

2. All persons, who have not registered to vote in Wayland, including members of the press, must sit in the section reserved for non-residents, unless the Moderator has authorized them to sit among the voters.

3. The Moderator will announce the number of each article about to be considered and invite a motion thereunder; the Moderator will omit the reading of the articles, unless a MAJORITY of the meeting shall vote otherwise.

B. To Address the Town Meeting

1. No person may address a town meeting until and unless he or she shall have been recognized by the Moderator. All persons shall, at the request of the Moderator, be silent.

2. All persons, who wish to be recognized, shall approach one of the three microphones placed at the front of the room, which most closely reflects the purpose for which they seek recognition:

a. The Procedural Microphone (in the middle) will be available to those who have been recognized by the Moderator and wish to offer:

1) The main motion under the article being considered and a presentation in support thereof;

2) The principal presentation in opposition to the main motion. See paragraph IV.C.2.a below;

3) An amendment to a main motion;

4) A question seeking information or guidance from the Moderator as to procedure, including a point of order;

5) An answer to a question seeking information; and

6) A point of order or procedural motion, such as:

a) a motion to terminate debate;

b) a motion challenging the Moderator's declaration of a vote;

c) a motion questioning the presence of a quorum; and

d) a motion to adjourn.

b. The "Pro" Microphone will be available to those persons recognized by the Moderator who wish to speak in support of a motion on the floor.

c. The "Con" Microphone will be available to those persons recognized by the Moderator who wish to speak in opposition to a motion on the floor.

The Moderator will normally recognize those persons, who are standing behind or seated near each microphone in a single file, in the order of their entry into that file, alternating between the Pro and the Con mikes; but reserves the right to recognize any person at any time, including a person who has not approached a mike, a person who is handicapped or a person who has risen to a point of order. Any person whose remarks are not consistent with the purpose of the microphone that he has been permitted to use, shall yield the floor upon request of the Moderator.

3. If a person, who has not registered to vote, seeks permission to address the meeting, the Moderator will ask whether there are any objections. If there are any, he will immediately call for a voice vote. If the majority shall vote to hear the non-resident, the Moderator will give him/her the floor.

C. The Debate

1. When you have been recognized by the Moderator, address the Chair as follows: "Mr. Moderator, I am (Name) of (Street Address)." Then proceed as follows:

a. "I move that . . .";

b. "May I ask you . . ."; or
"May I ask through you (then state the question which you want a board, official, or previous speaker to answer);

c. "I rise to a point of order"; or

2. Once you have been recognized, you may offer any motion, amendment, argument, comment, suggestion or question relevant to the article then under consideration, unless the Moderator shall have authorized debate or invited comments upon subjects not listed in the Warrant; but

a. Any person who wishes to offer the principal presentation in support of, or in opposition to, the main motion under an article, must so notify the Moderator and complete the same within ten minutes, or less, and yield the floor. A light will warn you to conclude your remarks and yield the floor during the following minute.

b. All other persons who wish to address the Town Meeting shall, when recognized, complete their remarks in three minutes, or less, and yield the floor. The same one minute warning light will be turned on when you have used up the first two minutes.

c. You may be interrupted only by a question of privilege, a point of order, a request that you speak more distinctly or by the Moderator.

d. When you have completed your motion, question, or remarks, you relinquish your claim to the floor; and you must yield the floor upon request of the Moderator.

3. If you have a question concerning the legality or propriety of the proceedings, you may approach the Procedural Microphone and address the Moderator without waiting to be recognized, saying: "Mr. Moderator, I rise to a point of order." When you have been recognized, you must state the reason for your point, which may include that a motion is beyond the scope of the article under consideration, that the person who has the floor is not addressing the merits of the motion or that a quorum is not present. The Moderator will then rule on the point and his ruling is final.

4. If you wish to offer a motion within the scope of the article under consideration, follow the procedure outlined under paragraph IV. B and C above.

a. If your motion is the main motion, you must then declare that it is identical word-for-word with the substantive portion of the article printed in the warrant which is then under consideration, or describe all of the substantive differences in wording between the article and the motion; otherwise the Moderator will permit no debate or action upon your motion.

b. If you plan to offer a main motion, which contains more than twenty-five words and differs significantly from the article printed in the Warrant, you must first print and distribute a copy thereof to those attending the session of town meeting at which said motion is presented.

c. No motion or amendment of a motion that exceeds ten words in length will be accepted, unless it shall have been offered to the Moderator in writing.

d. A motion that is not identical word-for-word with the substantive portion of the article printed in the warrant then under consideration will not be permitted, unless the Moderator shall determine that said motion is within the scope of the article; i.e., that it does not change the substantial character of the proposal described in that article or would not further restrict, if passed, the liberties of the residents of Wayland than the proposal set forth in the article.

e. The Moderator will permit no motion to appropriate and/or expend a sum of money, which exceeds the estimated cost set forth in the article then under consideration by fifteen (15%) percent, except for motions under the omnibus budget article and motions under a supplementary budget article that contemplates the appropriation of additional money for the current fiscal year to augment moneys previously appropriated and proposes to fund such appropriations by transfer from unappropriated funds, funds appropriated for another purpose or from funds received by the Town as grants or gifts.

f. The Moderator may rule on your motion, even if no one has risen to challenge that motion by way of a point of order.

5. You will not be recognized to speak on the merits of a motion if you have already spoken three times on its merits, but you may be recognized to answer a question put by another or to raise a procedural issue with respect to that motion.

6. Wayland's practice with respect to some common subsidiary motions is generally as follows:

a. You may amend a motion by moving to add and/or delete words to and/or from the main motion or by substituting a new motion therefor; but the Moderator permits no more than two amendments to a main motion *at a time*. A motion to amend is debatable and requires only a MAJORITY vote, even though the main motion may require a TWO-THIRDS vote.

b. You may move to refer a matter for further study, if your motion identifies the official or committee who shall conduct such study, how it shall report, when and to whom. In the event that you wish to establish a new committee for this purpose, the motion must specify the number of members who shall serve and who shall appoint them. A motion to refer is debatable and may be amended and requires a MAJORITY vote.

c. You may move to advance or postpone consideration of an article listed in the Warrant. Such a motion is debatable, may be amended and requires a TWO-THIRDS vote.

d. You may move to lay an article on the table ("table"). Such a motion is NOT debatable or amendable and requires a TWO-THIRDS vote. A motion to remove such article from the table is also NOT debatable or amendable and requires a TWO-THIRDS vote.

e. You may ask the Meeting to take no action under an article by moving "that the article be passed over." Such a motion may be deemed a substitute for the main motion, is debatable, may not be amended, requires a MAJORITY vote and serves to dispose of the article under consideration.

7. Upon the expiration of sixty minutes after the main motion under any article shall have been seconded, the Moderator may terminate debate thereon, unless the Town Meeting shall have voted to extend the time available for further debate. The time needed to count the vote(s) upon the motion(s) under the article will not be included in the sixty minutes.

8. Although the Moderator has absolute authority to regulate the proceedings at town meetings, debate under a motion can be terminated by a TWO-THIRDS vote of the Town Meeting. Therefore, if you believe that debate under a motion has gone on long enough, approach the Procedural Microphone, and, when you have been recognized, "move the previous question". If your motion receives a second, the Moderator will ask if anyone, who has not spoken to the motion under consideration, wishes to be recognized. If no one expresses such a wish by raising his or her hand, the Moderator will immediately terminate debate and take a vote upon your motion without permitting any amendment; but if one or more persons, who have not spoken to said motion, raise their hand, the Moderator may, but need not, defer the termination of debate for a reasonable time to permit both sides of the issue to be heard. If a motion to terminate debate carries by a TWO-THIRDS vote, the Moderator will put the previous motion under consideration to a vote without further debate; but if said motion does not carry by a TWO-THIRDS vote, the Moderator will permit debate to continue.

9. If you wish to adjourn a session of the Town Meeting before all of the articles have been disposed of, you must specify the date and time when the Meeting shall resume. Such motion may be made at any time, is debatable, may be amended and requires a MAJORITY vote.

10. 10. If an article of the Warrant has once been acted upon and disposed of, a motion to return to the article may be made at any time *if the person offering the motion discloses significant new information to the Meeting concerning said article, which had not been disclosed or made available to the Meeting when the motion under that article was debated; provided, however, that* debate and action on said motion shall be deferred until all other articles shall have been disposed of and shall occur in the numerical order of each such article. In any event, a motion to reconsider is debatable, may not be amended and requires a TWO-THIRDS vote, unless it shall have been made before the article has been disposed of; in which event it requires a vote equal to the quantum of the vote that was required to pass the motion under the article to be

reconsidered. If such motion carries, the Moderator will ask whether there is a new motion under the article to be reconsidered.

D. The Vote

Before calling for a vote, the Moderator will usually repeat the motion under consideration (as the same may have been amended), unless it is substantially identical to the article:

1. The Moderator will then ask all those in favor to say, "Aye". He will then invite those opposed to say, "No". If the Moderator is in doubt as to whether the motion has carried, he or she may call for another voice vote; or may ask those in favor to stand, before he asks those opposed to stand. Sometimes, the Moderator will reverse this procedure before declaring the vote.

2. If the Moderator is still in doubt, or if seven or more voters have immediately questioned his declaration of such vote, he will call for the tellers to help him take a standing counted vote -- two tellers for each section of the hall so that they may check each other's results. The Moderator will then repeat the motion and say, "All those in favor will rise and remain standing until counted." When the count has been completed, the Moderator will ask those who are opposed to stand and be counted. As soon as each team of tellers has agreed upon the count in their section, they will be asked to report their portion of the vote from the Procedural Microphone. When all of the tellers have reported, the Moderator will declare the vote and his declaration is final.

3. In the event that the law requires a vote of TWO-THIRDS or more to carry a motion, the Moderator will normally ask whether there is unanimous support for the motion; but if there is not such support, he will take a standing counted vote.

4. If a TWO-THIRDS vote is required to carry a subsidiary or procedural motion, such as a motion to terminate debate ("move the previous question"), the Moderator need not take a count, even though the voice vote upon such motion was not unanimous, if the Moderator shall have perceived that more than TWO-THIRDS of the voters voted in the affirmative. The Moderator shall then declare that such motion has carried and the Clerk shall record such declaration together with a note that there was "a scattering of nos."

5. In the event that there is a large number of voters in the hall and the Town Clerk shall have provided ballots and ballot counting machines (ballot machines) for the occasion, the Moderator may designate one or more such machines to receive "yes" votes and a number of machines to receive "no" votes and arrange to have them placed near the "pro" and "con" microphones respectively. The Moderator will then announce the color of the ballot that will be cast upon the main motion and direct the attention of the voters to the location of the pro and con machines. The voters will then rise and proceed row-by-row to the machine of their choice. A Teller will stamp the back of each voter's hand upon arrival at the ballot machine and hand him or her a ballot, which the voter will then deposit in the ballot machine. In order to assure the security of all ballots:

a. No one will be allowed to vote without a ballot, which bears the color announced by the Moderator.

b. No one will be permitted to cast a ballot if his or her hand does not bear the stamp of a Teller.

During the course of the aforesaid proceedings, the Moderator may ask for the consent of the meeting (a two-thirds [2/3] vote is required) to proceed to consideration of another Article. When he is ready to declare the vote, the Moderator will ask for the consent of the meeting to return to the Article (a 2/3 vote is required) under which the ballot shall have been taken.

When all of the ballots shall have been cast, the Tellers will extract from each ballot machine the tape that shows

the number of votes cast in favor and the number of votes cast in opposition to the motion and hand the same to the Moderator. The Moderator will declare the vote upon disposition of the Article then under debate. The declaration of the Moderator is final."

6. In the event that a majority shall have voted that the vote on a particular motion shall be by secret ballot, the Moderator will ask the Tellers to come forward and take their places at the ballot boxes that will be placed at the front of the Hall by the Town Clerk. The Moderator will then announce the color of the ballot that will be cast upon the main motion and direct the attention of each section of voters to their respective ballot box. The voters will then rise and proceed row-by-row to their box, tear their ballots into two parts, deposit one half in the box, the other half in the discard box and return to their seat. In order to assure the security of all secret ballots:

a. No one will be allowed to vote without a ballot which bears the color announced by the Moderator.

b. No one will be permitted to cast a ballot until he or she shall have discarded the other half of the ballot into the discard box in the custody of the Teller.

c. No one will be permitted to leave the hall until after the meeting has adjourned, unless he or she shall have turned all of the ballots that have not actually been used during a vote to the Checkers at the door.

When all of the ballots shall have been cast, the Tellers will open the ballot boxes and count the ballots at the tables situated at the front of the Hall in front of the podium.

The Moderator will then ask for the consent of the meeting (a two-thirds [2/3] vote is required) to proceed to consideration of another Article. When the Tellers have completed their count, they shall report their count to the Moderator, the Moderator will declare the vote upon disposition of the Article then under debate. The declaration of the Moderator is final.

The Moderator will then ask for the consent of the meeting to return to the Article (a 2/3 vote is required) under which the secret ballot has been taken.

7. In the event that a majority shall have voted that the vote on a particular motion shall be by secret ballot, the Moderator may, in the alternative, ask the Tellers to come forward and take their places at the ballot counting machines (ballot machines), which shall have been placed in voting booths by the Town Clerk at the front of the hall behind the Moderator. The Moderator will then announce the color of the ballot that will be cast upon the main motion and direct the attention of each section of voters to their respective ballot machine. The voters will then rise and proceed row-by-row to their respective machine. A Teller will stamp the back of each voter's hand upon arrival at the ballot machine and hand him or her a ballot, which the voter will then mark in the privacy of the voting booth and deposit in the ballot machine. In order to assure the security of all secret ballots:

a. No one will be allowed to vote without a ballot, which bears the color announced by the Moderator.

b. No one will be permitted to cast a ballot if his or her hand does not bear the stamp of a Teller.

During the course of the aforesaid proceedings, the Moderator may ask for the consent of the meeting (a two-thirds [2/3] vote is required) to proceed to consideration of another Article. When he is ready to declare the vote, the Moderator will ask for the consent of the meeting to return to the Article (a 2/3 vote is required) under which the ballot shall have been taken.

When all of the ballots shall have been cast, the Tellers will extract from each ballot machine the tape that shows the number of votes cast in favor and the number of votes cast in opposition to the motion and hand the same to the Moderator. The Moderator will declare the vote upon disposition of the Article then under debate. The declaration of the Moderator is final."

E. Adjournment

1. Each session of a Town Meeting shall be adjourned by the Moderator (a) at 10:30 p.m., or as soon thereafter as the Meeting has disposed of the article then under consideration or postponed action thereunder, or (b) voted to adjourn at a different time.

2. No motion to dissolve the Town Meeting (to adjourn *sine die*) is in order until every article shall have been duly considered, acted upon and declared as disposed of.

V. Questions

In the event that you have a question concerning the conduct of the meeting or the status of any motion being considered, you are invited to approach the Procedural Microphone and to address your question to the Moderator as soon as you have been recognized.

Thank you for joining us tonight to do the Town's business.

C. Peter R. Gossels, Moderator
March 16, 2006

APPENDIX B: HEAR REPORTS

REPORT OF THE BOARD OF ASSESSORS

In accordance with section 19-7 of the Code of the Town of Wayland, a report for the Board of Assessors covering the last twelve months (preceding March 21, 2006) is hereby submitted.

The Board has submitted the following:

1. Annual Report of sold properties.

2. The following numbers have been reported:
   a. The Board of Assessors timely received 412 real estate and 3 personal property applications, plus 3 late applications for FY06 abatement.
   b. For FY06 so far, 19 abatements have been granted, 14 have been denied, 1 was withdrawn, and the rest are pending (as of 3/21/06).
   c. The average value of FY05 abatements granted was $1,020.98
   d. For FY05 there were 30 filings with the Appellate Tax Board (ATB): 8 were withdrawn; 6 were settled by the assessors before going to the ATB; 2 were denied by the ATB; 6 were decided in favor of the property owner, and 8 are still pending at the ATB.
   e. 12 FY04 filings were docketed at the ATB: 1 was found in favor of the property owner, 8 were withdrawn, and 3 are still pending at the ATB.
   f. The 6 FY05 and 1 FY04 ATB cases settled in favor of the property owner resulted in the following assessment changes:

No.	Street	Original assessment	BOA abated assessment	ATB abated assessment
15	SEDGEMEADOW RD	634000	597500	580,000
70	BOSTON POST RD	794,300	NONE	709,000
25	HEARTHSTONE CIR	42,700	NONE	35,000
22	PARKLAND DR	372,100	363300	340,000
265	CONCORD RD	681,000	NONE	518,000
253	RICE RD	1,774,200	NONE	1,560,200
400	BOSTON POST	38,828,000	NONE	20,530,000

3. The following items were assembled from in-house data:

Cyclical Inspections:

No cyclical inspections were performed in 2005 because the assessing department and Board of Assessors were missing an administrative assessor, the assessors were working through 275 abatement applications, attempting to gain funding at Town Meeting for a town-wide Full Measure and List, selecting a new software vendor after issuing RFP's, and supervising the contractor performing the triennial FY06 revaluation operation.

Sold Properties: -See sales report attachment

Number of sold properties 1/1/2005 thru 12/31/2005	224
Number of inspections of sold properties	20

Building Permits

No Building Permit inspections were done in 2005 because the assessing department was short-staffed when the Administrative Assessor left for another position.

There were 574 building permits issued by the building department in calendar year 2005. These 2005 permits and the permits issued from 1/1/2006 through 6/30/2006 are to be inspected to determine New Growth for the FY07 tax levy process.

This spring the Board of Assessors will start two phases (8 and 9) of the 10-year cyclical inspection program. Approximately 1100 parcels are to be reviewed this year. There are approximately twice the normal numbers of cyclical parcel inspections to make up for last year. The cyclical inspection process and parcel locations will be announced in the newspaper.

Phase 8 & 9 cyclical inspections are planned for the area of town bounded on the south by Glezen Lane, Training Field Road and Claypit Hill Road, east by the Town of Weston, north to the Town of Lincoln, and west by the Sudbury River.

The Board of Assessors gives all homeowners three notifications about the interior and exterior cyclical inspections:

The first notice appears in the newspaper before any inspections are performed.
The second notification is a letter sent to individual homeowners announcing that the data inspector will be in their neighborhood shortly.

The third notification occurs when the data inspector finds the homeowner not at home and leaves a notice requesting that contacting the office to make a scheduled appointment.

All members of the Wayland Board of Assessors, the BOA staff, and our contractors and vendors have photo identification badges issued by the Wayland Police department. At no time will a member of the assessing department show up unannounced at a homeowner's property for inspection. If a homeowner is in the least way suspicious or in doubt even when a legitimate ID badge is displayed, call the Wayland police department immediately and DO NOT let anyone into your home.

In 2005 the Board of Assessors conducted a Triennial Revaluation for FY06. The Triennial Revaluation involves more in-depth review of properties in town including land and building values. Last year the Board of Assessors reduced the total number of neighborhoods by consolidating several neighborhoods and making the map more consistent with existing areas. The Board also recognized the marketplace shift and acknowledged it by incorporating this change by shifting the town-wide average of 55% value in the building, 45% value in the land, to 55% in the land and 45% in the building. The Board further adopted a cost-based mass appraisal approach to smooth the transition to the new system, which is primarily cost-based.

The Board will be conducting an Interim Valuation program for FY07. The goal of the Interim Valuation program is to capture changes in the rapidly fluctuating real-estate market more quickly than during the three-year Triennial cycles. From now on, Interim Valuation assessments will be performed every year that the Board is not conducting the Triennial Certification Revaluation, according to the Department of Revenue regulations. The next Triennial Certification Revaluation year is FY09.

The Board of Assessors is presently replacing and upgrading our present computer-assisted mass appraisal hardware and software system to Vision Appraisal Technology. We will be using the new system in parallel with the old for FY07 as we transition to the new system. Please bear with us as we encounter the inevitable glitches that occur during such a process. The replacement and upgrading of our computer system has been an ongoing research study by the Board for the past three years, and funding was received in FY05 for replacement of our computer system.

In January 2005 the Board of Assessors appointed five citizens to the Assessment Criteria Committee. These volunteers performed a major feat by completing a preliminary study and prioritized list of factors affecting the assessed value of land and buildings in Wayland. Portions of this report have been included in our new software system for eventual data collection. The Wayland Board of Assessors sincerely thanks the members of the Assessment Criteria Committee for their preliminary and continued efforts to improve the assessment process in Wayland.

In April 2005 new member Marcia Malmfeldt joined the Board, only to leave three months later. In September 2005 Jayson Brodie was appointed to the Board to fill the remaining term on the Board until the spring 2006 elections.

REPORT OF THE COMMUNITY PRESERVATION COMMITTEE

CPA Revenue – Since passage of the CPA in 2001 Wayland has received $2,295,366 from the property tax surcharge and interest, and $1,684,614 in matching State Trust Fund distributions, for a total revenue of $3,979,980.

Project Reports –

• **Repair of town's historic gravestones** - CPA funding was used to repair and preserve the most historic gravestones/markers in North and South Cemeteries. This four year effort involved an assessment of the condition of the stones followed by treatment ranging from cleaning to complete resetting for over 300 stones. An inventory and catalogue of the stones was developed. A report is available at the Wayland Library. Project completed.	$ 65,000
• **Planning study to create a railroad interpretive site** - A report is available at the Wayland Library. Project completed.	$15,000
• **Repair/restore historic markers**. The Wayland Historical Commission has assessed the condition of 30 of the town's most historic markers and recommended the repair/upkeep needed. The Park and Recreation commission will oversee this work.	$5,000
• **Environmental testing at former Nike Site**. Project completed.	$35,000
• **Acquire 2.75 acres at former Nike site for affordable housing and provide funds for demolition and site preparation**. Land acquisition completed. Demolition and site preparation substantially completed.	$500,000
• **Site preparation and demolition of former Nike site** – This project refers to the approximately 11 acres of open space that remained after the 2.75 acres for housing were acquired. Land acquisition completed. Site preparation underway.	$100,000
• **Acquire land of Gilberts on Brackett Road and Nob Hill Road** - The agreement has yet to be signed by both parties.	The total cost is expected to be $30,000
• **Administrative fees for the Community Preservation Committee** – The CPC is authorized to spend up to $10,000 for administrative matters.	To date, no expenditures have been made.
• **Set aside $600,000 in Community Preservation Funds for future open space acquisition.** This article only set aside funds, it did not authorize expenditure.	No expenditures have been made.

REPORT OF THE NIKE SITE REUSE ADVISORY COMMITTEE ("NSRAC")

The eleven member NSRAC meets regularly to develop a plan for affordable housing on the 2.75 acre parcel and parkland on the 10.71 acre parcel of the former Nike Site on Oxbow Road. A handicapped accessible trail is to ring the entire property.

Over the last year asbestos abatement on the property has been completed; above-ground structures have been demolished; removal of debris from this demolition will be completed in Spring 2006; and a proposed site plan and schematic design of housing units has been completed. A grant was received by the town to assist in this last task of developing a site plan and design of 16 housing units to be constructed on the 2.75 acre parcel. The NSRAC has recommended that 11 homes be sold to families at 80% Area Median Income (AMI) and 5 to those at the 100% AMI income level. The NSRAC recommended that the town pursue the site eligibility designation from the Commonwealth. The Committee has proceeded by preparing the application seeking approval to construct 16 units of housing on the 2.75 acres.

The NSRAC has discussed the layout and construction specifications of the barrier-free trail with town staff. The next step is to determine the exact layout and explore funding sources to assist the town in developing this barrier-free trail around the perimeter of the property. In addition the NSRAC has explored various ways in which to permanently secure the silos on the parkland parcel.

Throughout the planning phase of the Committee's work, input has been and will continue to be sought from those who reside in the general vicinity of the site.

The NSRAC information is updated regularly on the Town website at
http://www.wayland.ma.us/planning/nike/NikeSite.htm.

REPORT OF THE VETERANS MEMORIAL COMMITTEE

FY 2006 has been a productive year that began with the installation and Dedication Ceremony for the monument on July 3, 2005, with an audience of 300 or more. The dedication ceremony (a video will be placed at the library) began with a parade of colors (taking part were Wayland Police and Fire Departments, American Legion/VFW Posts, Middlesex County 4H Fife & Drums, and Sudbury Minutemen/Militia), followed by an invocation, unveiling, laying a wreath to fallen residents, patriotic music by WHS band, first day of issue postage and refreshments. Guest speakers included Gerald Halterman, Pearl Harbor survivor; Thomas Hudner, a Medal of Honor recipient from the Korean War; Rob Leary, Postmaster, veteran of Desert Storm; Werner Gossels, resident and refugee from Nazi Germany on the meaning of freedom, and John Michalczyk, resident, university professor orally toured the monuments in Washington D.C. as an essay on America's pursuit and defense of freedom. State Representative Susan W. Pope and State Senator Scott Brown gave some additional views. Selectman Joe Nolan accepted the monument on behalf of the town.

The Wayland Veterans Memorial, when completed, will consist of three parts: a monument, a book of remembrance, and an annual scholastic award. The theme of each part is a "Celebration of Freedom", the enduring gift to each of us from all who served in the US military. As Americans, we learn: *Freedom is the opportunity* to *live in a constitutional democracy with liberty and justice for all.* That opportunity makes possible a fuller life potential for each of us.

During the fiscal year, the committee met monthly, resulting in the completion of the monument and a service honoring our veterans on November 11, 2005. In parallel, we have been collecting materials for the Book of Remembrance, and, in conjunction with the Wayland High School Social Studies department, launched the scholastic award called the FREEDOM PRIZE. The winner will be announced annually at the Memorial Day ceremony at Lakeview Cemetery. Prior to the parade on Memorial Day, a brief service remembering veterans will be held at the monument. In October of 2005, the committee/associates supported the Make a Difference

Day for Wayland's youth at the Cochituate ballfield. On April 27, 2006, the Veterans Committee hosted a military men's breakfast at the senior center.

* Our fundraising efforts passed $100,000. Fundraising continues in order to establish a large self-sustaining endowment for the Freedom Prize.

* Our work on the Book of Remembrance has progressed well and our goal is to have the draft finished by the end of 2006. Several citizens have come forward to assist with the typing. ***We ask each veteran to give to the Veterans Agent a brief recollection of his/her military service or its impact on later life for inclusion in the Book of Remembrance.***

REPORT OF THE YOUTH ADVISORY COMMITTEE

The YAC oversees Wayland Youth & Family Services, which is a counseling and prevention program serving Wayland students and their families. Confidential counseling is provided free of charge. Students can be seen during a free block in school or after school at the Town Building. The staff provides family therapy and consultation or counseling for parents. The number of students referred for counseling continues to grow, and it is difficult to meet the demand. We have also co-led social skills groups at the high school. Every year a staff member gives presentations to high school biology classes about body image and eating disorders prevention.

WYFS participates in Wayland's Substance Abuse Task Force. Wayland now has a three year Substance Abuse Prevention Grant and Paul Neustadt, the director of WYFS, is collaborating with the coordinator of that grant to provide a parent networking group for parents and a program for students who have difficulties with substance use. Students who are caught using alcohol or drugs can participate in a diversion program which includes a leadership skills group and community service.

The director of WYFS is an advisor to the Community Service Leadership Program, a community service program for high school students. Students are given the responsibility to plan and organize community service projects in Wayland and the larger metropolitan area. Students have participated in Habitat for Humanity, Rebuilding Together Boston, the Wayland Fishing Derby, visiting with senior citizens at Traditions, helping out at soup kitchens, and many more projects. We also offer a summer community service program for high school students and over 50 students participated this past summer.

On May 2 we are sponsoring the first annual Community Service Awards Ceremony at Wayland High School. Adults and students will be given awards for their service and student groups will perform.

WYFS sponsors the Single Parent Network which organizes programs for single parents and their children. The goal of this network is to provide opportunities for single parents to meet, socialize, and support each other in both emotional and practical ways, and to offer programs and speakers that address the needs and challenges of single parents. A single parents discussion group has met monthly. The programs have included eating dinner together and childcare provided by students from the High School community service program.

Parent education is another focus of our community work. We provide parent discussion groups which are organized by grade and meet monthly with a parent educator. We have collaborated with the WHS guidance department to provide a discussion and support group for parents focused on the college application process. We also collaborate with the PTOs to bring speakers to Wayland on topics important to Wayland parents.

APPENDIX C
PERSONNEL BY-LAWS AND WAGE AND CLASSIFICATION PLAN

NON-UNION CONSOLIDATED WAGE SCALE, N SCHEDULE
Effective 7/1/06 (3.5% Adjustment)

Grade	1	2	3	4	5
N-1	31,407	32,350	33,321	34,321	35,349
N-2	34,175	35,200	36,256	37,345	38,465
N-3	37,188	38,303	39,452	40,635	41,855
N-4	40,831	42,056	43,318	44,617	45,956
N-5	44,833	46,178	47,563	48,990	50,459
N-6	49,227	50,704	52,224	53,791	55,405
N-7	54,051	55,673	57,342	59,063	60,834
N-8	58,115	59,622	61,182	62,905	64,793
N-9	65,165	67,120	69,133	71,207	73,775
N-10	71,550	73,697	75,908	78,185	80,530
N-11	78,562	80,918	83,346	85,847	88,423
N-12	86,261	88,849	91,515	94,260	97,087

Grade	6	7	8	9	10
N-1	36,409	37,502	38,627	39,785	40,980
N-2	39,619	40,807	42,031	43,292	44,591
N-3	43,111	43,998	45,736	47,107	48,521
N-4	47,335	48,497	50,218	51,724	53,276
N-5	51,450	53,533	55,140	56,793	58,497
N-6	57,067	58,779	60,542	62,359	64,229
N-7	62,660	64,539	66,476	68,469	70,524
N-8	66,737	68,738	70,800	72,902	75,057
N-9	75,174	77,810	80,778	82,178	85,024
N-10	82,946	85,434	87,998	90,637	93,357
N-11	91,075	93,807	97,709	99,519	102,794
N-12	100,001	103,000	105,645	109,272	112,552

N-1	Secretary, Fire – PT
N-1	Sr Clerk, Health – PT
N-1	Sr Clerk, Landfill – PT
N-2	Administrative Asst – Y/S PT
N-2	Administrative Asst – Police
N-2	Computer Technician
N-2	Human Resources Assistant
N-2	Outreach Coordinator – PT
N-2	Recreation Program Asst – PT
N-4	Exec Asst to Town Administrator
N-8	Police Lieutenant
N-9	Highway Director
N-9	Water Superintendent
N-9	Library Director
N-9	Park & Recreation Director
N-10	Asst Town Administrator/Human Resources Director
N-11	Fire Chief
N-11	Finance Director/Town Accountant
N-12	Police Chief

GROUP: NON-UNION – BUILDING INSPECTORS
Effective: July 1, 2005

STEP	Minimum	1	2	3	4
	19.57	20.55	21.57	22.66	23.79

Gas & Plumbing Inspector (PT) Wiring Inspector (PT)

GROUP: PUBLIC SAFETY - NON UNION
Effective July 1, 2005

	Annually	Per Day	Hourly
Traffic Supervisors	6,851		
Traffic Supervisor Substitute	--	39.27	
Special Police Matrons	--		17.46
Call Firefighters	--		17.46
Call Firefighter Coordinator	--		18.62
Police Custodian (PT)	--		13.92
Police Intern	--		9.03

NON-UNION - TOWN POOL
Effective: July 1, 2006

	Hourly
Pool Lifeguard	10.00

GROUP: NON-UNION - ON-CALL DISPATCHERS
Effective: July 1, 2005

	Year 1	Year 2	Year 3	Year 4
On-call Dispatcher	16.48	17.24	18.00	18.76

GROUP: NON-UNION - SEPTAGE
Effective: July 1, 2005

	Starting	1	2	3
Wastewater Facility Monitor (PT)	13.06	13.73	14.43	15.13

GROUP: NON-UNION - HOURLY LIBRARY CLERKS
Effective: July 1, 2005

Step	1	2	3	4	5	6	7	8
	13.21	13.51	13.81	14.10	14.36	14.66	14.94	15.21
Step	**9**	**10**	**11**	**12**	**13**	**14**	**15**	
	15.51	15.80	16.07	16.36	16.67	16.94	17.23	

GROUP: NON-UNION - HOURLY LIBRARY PART-TIME WEEKEND PROFESSIONALS
Effective: July 1, 2005

Step	1	2	3	4	5	6	7	8
	20.79	21.28	21.56	21.93	22.31	22.69	23.08	23.44
Step	**9**	**10**	**11**	**12**				
	23.84	24.21	24.59	24.96				

GROUP: NON-UNION - LIBRARY PAGES
Effective: July 1, 2005

Step	Year 1	Year 2	Year 3
	7.82	8.31	8.76

GROUP: NON-UNION - VETERANS' AGENT
Effective: July 1, 2005

	Annual
Veterans' Agent	3,486

GROUP: NON-UNION – SEASONAL – MISCELLANEOUS
Effective: May 1, 2006

	Year 1	Year 2	Year 3	Year 4
Beach Director	$16.50	$17.00	$17.50	$18.03
Beach Supervisor	$12.75	$13.13	$13.53	$13.93
Beach Head Lifeguard/ Water Safety Instructor	$11.50	$11.85	$12.20	$12.57
Senior Lifeguard	$10.50	$10.82	$11.14	$11.47
Substitute Lifeguard	$10.00			
Jr Lifeguard/Swim Aide/Gateguard	$9.00	$9.27	$9.55	$9.83
Snack Bar Supervisor	$10.50	$10.82	$11.14	$11.47
Snack Bar I	$9.50	$9.79	$10.08	$10.38
Snack Bar II	$8.50	$8.76	$9.02	$9.29

GROUP: NON-UNION – SEASONAL –SUMMER DAY PROGRAMS
Effective: May 1, 2006

	Year 1	Year 2	Year 3	Year 4
Day Program Coordinator	$18.00	$18.54	$19.10	$19.67
SA Program Director	$15.00	$15.45	$15.91	$16.39
SA Assistant Director/Lead Teacher	$13.00	$13.39	$13.79	$14.21
Assistant Teacher	$12.00	$12.36	$12.73	$13.11
Sr Counselor	$11.00	$11.33	$11.67	$12.02
Counselor	$9.50	$9.79	$10.08	$10.38
Substitute Counselor	$9.00			
Junior Counselor	$8.00	$8.24	$8.49	$8.74

SA - Summer Adventure Program

GROUP: NON-UNION SEASONAL – MISCELLANEOUS
Effective: May 1, 2005

	Year 1	Year 2	Year 3	Year 4
Conservation Laborer	10.63	11.39	12.16	12.84
Landfill Clerk	12.14		(6 week position)	
Park & Recreation Laborer	12.01	12.61	13.21	--

GROUP: LIBRARY
Effective: July 1, 2006

Step	1	2	3	4	5
L-1	31,931	32,889	33,876	34,892	35,938
L-2	34,484	35,518	36,584	37,681	38,813
L-3	37,244	38,362	39,513	40,698	41,920
L-4	40,223	41,430	42,673	43,953	45,272
L-5	43,441	44,744	46,086	47,469	48,893
L-6	46,917	48,323	49,773	51,267	52,805
L-7	50,670	52,190	53,756	55,368	57,030
Custodian	30,591	31,730	32,863	34,064	35,318

GROUP: LIBRARY (continued)
Effective: July 1, 2006

Step	6	7	8	9	10
L-1	37,017	38,127	39,271	40,450	41,663
L-2	39,977	41,175	42,411	43,683	44,994
L-3	43,177	44,472	45,807	47,180	48,596
L-4	46,630	48,029	49,470	50,954	52,483
L-5	50,360	51,871	53,427	55,030	56,680
L-6	54,388	56,020	57,701	59,432	61,215
L-7	58,740	60,503	62,317	64,188	66,113
Custodian	36,960				

L-1 - Library Assistant - Circulation
L-1 - Library Assistant - Childrens
L-2 - Library Associate - Periodicals
L-3 - Assistant Children's Librarian
L-3 - Bibliographic Services Librarian
L-4 - Library Administrative Assistant
L-4 - Computer Specialist/Ref Librarian
L-4 - Head of Circulation
L-4 - Reference Librarian
L-5 - Children's Librarian
L-7 - Assistant Director
Custodian

GROUP: FIRE
Effective January 1, 2005 – 2% adjustment

		Start Step 1	After 1 year Step 2	After 2 years Step 3	After 3 years Step 4
Deputy/EMT	F-6E				62,961
Captain/EMT	F-5E	51,525	53,243	55,038	56,901
Captain/Non-EMT	F-5	49,698	51,417	53,212	55,076
--	F-4E	49,764	51,327	53,031	54,801
Elec./Mech. EMT	F-3E	47,212	48,644	50,412	52,109
Lieutenant EMT	F-3E	47,212	48,644	50,412	52,109
Prevention Inspector/EMT	F-2E	45,790	47,277	49,685	50,423
Firefighter/EMT	F-1E	42,895	44,317	45,789	47,313

Effective July 1, 2005 – 3.5 % adjustment

		Start Step 1	After 1 year Step 2	After 2 years Step 3	After 3 years Step 4
Deputy/EMT	F-6E				65,164
Captain/EMT	F-5E	53,328	55,107	56,964	58,892
Captain/Non-EMT	F-5	51,437	53,217	55,074	57,004
--	F-4E	51,406	53,123	54,887	56,719
Elec./Mech. EMT	F-3E	48,864	50,347	52,176	53,933
Lieutenant EMT	F-3E	48,864	50,347	52,176	53,933
Prevention Inspector/EMT	F-2E	47,393	48,932	51,424	52,188
Firefighter/EMT	F-1E	44,396	45,868	47,392	48,969

Effective July 1, 2006 – 3.5%

		Start Step 1	After 1 year Step 2	After 2 years Step 3	After 3 years Step 4
Deputy/EMT	F-6E				67,445
Captain/EMT	F-5E	55,194	57,036	58,958	60,953
Captain/Non-EMT	F-5	53,237	55,080	57,002	58,999
--	F-4E	53,309	54,982	56,808	58,704
Elec./Mech. EMT	F-3E	50,574	52,109	54,002	55,821
Lieutenant EMT	F-3E	50,574	52,109	54,002	55,821
Prevention Inspector/EMT	F-2E	49,052	50,645	53,224	54,015
Firefighter/EMT	F-1E	45,950	47,473	49,051	50,683

GROUP: AFSCME
Effective: January 1, 2005 (2%)

Step	1	2	3	4	5	6	7	8	9	10
G-1	29,808	30,703	31,624	32,573	33,550	34,557	35,593	36,661	37,760	38,902
G-2	32,191	33,157	34,153	35,177	36,232	37,319	38,439	39,591	40,780	42,013
G-3	34,769	35,811	36,885	37,992	39,132	40,306	41,515	42,760	44,044	45,375
G-4	37,549	38,676	39,836	41,032	42,263	43,530	44,836	46,182	47,567	49,005
G-5	40,552	41,769	43,022	44,313	45,642	47,011	48,421	49,877	51,370	52,923
G-6	43,798	45,113	46,465	47,859	49,296	50,775	52,297	53,866	55,482	57,159
G-7	47,878	49,314	50,794	52,318	53,887	55,503	57,169	58,884	60,650	62,483
G-8	52,189	53,755	55,367	57,028	58,739	60,501	62,317	64,186	66,111	68,111
G-9	56,885	58,593	60,350	62,161	64,025	65,946	67,925	69,963	72,061	74,240
G-10	62,007	63,866	65,783	67,756	69,788	71,882	74,039	76,260	78,548	80,922

GROUP: AFSCME
Effective: July 1, 2005 (3.5%)

Step	1	2	3	4	5	6	7	8	9	10
G-1	30,851	31,778	32,731	33,713	34,724	35,766	36,839	37,944	39,082	40,264
G-2	33,318	34,317	35,348	36,408	37,500	38,625	39,784	40,977	42,207	43,483
G-3	35,986	37,064	38,176	39,322	40,502	41,717	42,968	44,257	45,586	46,963
G-4	38,863	40,030	41,230	42,468	43,742	45,054	46,405	47,798	49,232	50,720
G-5	41,971	43,231	44,528	45,864	47,239	48,656	50,116	51,623	53,168	54,775
G-6	45,331	46,692	48,091	49,534	51,021	52,552	54,127	55,751	57,424	59,160
G-7	49,554	51,040	52,572	54,149	55,773	57,446	59,170	60,945	62,773	64,670
G-8	54,016	55,636	57,305	59,024	60,795	62,619	64,498	66,433	68,425	70,495
G-9	58,876	60,644	62,462	64,337	67,037	68,254	70,302	72,412	74,583	76,838
G-10	64,177	66,101	68,085	70,127	72,231	74,398	76,630	78,929	81,297	83,754
G-15										39,848
G-16										50,008

G-4 - Administrative Assessor
G-5 - Assistant Youth Director
G-5 - Sanitarian/Health Agent
G-6 – Local Building Inspector
G-6 - Pool Director
G-6 – Recreation Program Administrator
G-6 - Solid Waste Facility Supt
G-7 –Council on Aging Director
G-7 - GIS Analyst
G-8 – Information Technology Director
G-8 – Youth & Family Services Director
G-8 – Conservation Administrator
G-8 – Town Planner
G-8 – Town Surveyor
G-9 – Health Director
G-9 – Assistant Assessor
G-9 – Building Commissioner
G-9 - Treasurer/Collector

GROUP: AFSCME
Effective July 1, 2006 (3.5%)

Step	1	2	3	4	5	6	7	8	9	10
G-1	31,931	32,890	33,877	34,893	35939	37,018	38,128	39,272	40,450	41,673
G-2	34,484	35,518	36,585	37,682	38,813	39,977	41,176	42,411	43,684	45,005
G-3	37,246	38,361	39,512	40,698	41,920	43,177	44,471	45,806	47,182	48,607
G-4	40,223	41,431	42,673	43,954	45,273	46,631	48,029	49,471	50,955	52,495
G-5	43,440	44,744	46,086	47,469	48,892	50,359	51,870	53,430	55,029	56,692
G-6	46,918	48,326	49,774	51,268	52,807	54,391	56,021	57,702	59,434	61,231
G-7	51,288	52,826	54,412	56,044	57,725	59,457	61,241	63,078	64,970	66,933
G-8	55,907	57,583	59,311	61,090	62,923	64,811	66,755	68,785	70,820	72,962
G-9	60,937	64,648	64,648	66,589	69,383	70,643	72,763	74,946	77,193	79,527
G-10	66,423	68,415	70,468	72,581	74,759	77,002	79,312	81,692	84,142	86,685
G-15										44,256
G-16										55,531

G-1 – Pool Supervisor
G-4 – Administrative Assessor
G-5 – Assistant Youth Director
G-5 – Sanitarian/Health Agent
G-6 – Local Building Inspector
G-6 – Pool Director
G-6 – Recreation Program Administrator
G-6 - Solid Waste Facility Supt
G-7 –Council on Aging Director
G-7 - GIS Analyst
G-8 – Information Technology Director
G-8 – Youth & Family Services Director
G-8 – Conservation Administrator
G-8 – Town Planner
G-8 – Town Surveyor
G-9 – Health Director
G-9 – Assistant Assessor
G-9 – Building Commissioner
G-9 - Treasurer/Collector
G-15 – Community Health Nurse
G-16 – Head Nurse

GROUP: SEIU
Effective: January 1, 2005 (2% Adjustment)

Step	1	2	3	4	5	6	7	8	9	10
C-10	25,792	26,565	27,363	28,183	29,028	29,899	30,796	31,720	32,672	33,652
C-12	27,855	28,691	29,551	30,438	31,351	32,291	33,260	34,258	35,286	36,345
C-13	28,978	29,847	30,743	31,665	32,616	33,594	34,601	35,640	36,709	37,810
C-14	30,145	31,050	31,981	32,941	33,928	34,946	35,995	37,075	38,187	39,333
C-15	31,309	32,247	33,215	34,212	35,238	36,295	37,384	38,506	39,661	40,851
CD	31,043	32,477	33,911	35,344	36,778	38,212	39,646			

GROUP: SEIU
Effective: July 1, 2005 (2% Adjustment)

Step	1	2	3	4	5	6	7	8	9	10
C-10	26,695	27,495	28,321	29,169	30,044	30,945	31,874	32,830	33,816	34,830
C-12	28,830	29,695	30,585	31,503	32,448	33,421	34,424	35,457	36,521	37,617
C-13	29,992	30,892	31,819	32,773	33,758	34,770	35,812	36,887	37,994	39,133
C-14	31,200	32,137	33,100	34,094	35,115	36,169	37,255	38,373	39,524	40,710
C-15	32,405	33,376	34,378	35,409	36,471	37,565	38,692	39,854	41,049	42,281
CD	32,130	33,614	35,098	36,581	38,065	39,549	41,034			

GROUP: SEIU
Effective: July 1, 2006 (3.5%)

Step	1	2	3	4	5	6	7	8	9	10
C-10	27,629	28,457	29,312	30,190	31,096	32,029	32,989	33,979	34,999	36,049
C-12	29,839	30,735	31,656	32,606	33,584	34,591	35,629	36,698	37,799	38,934
C-13	31,042	31,973	32,933	33,920	34,939	35,987	37,065	38,178	39,324	40,503
C-14	32,292	33,262	34,259	35,287	36,345	37,435	38,559	39,716	40,907	42,134
C-15	33,539	34,544	35,581	36,649	37,748	38,880	40,047	41,249	42,486	43,761
CD	33,254	34,790	36,326	37,861	39,398	40,934	42,470			

C-12 – Senior Clerk
C-13 – Principal Clerk
C-14 – Department Assistant
C-14 – Town Clerk, Assistant
C-15 – Finance Assistant, Treasurer/Collector
C-15 – Finance Assistant, Accounting
C-15 – Finance Assistant, Benefits
C-15 – Finance Assistant, Payroll
CD - JCC Dispatcher

GROUP: POLICE
Effective: July 1, 2003 (Currently in Contract Negotiations)

Step	Minimum	After 1 Year	After 2 Years	After 3 Years
P-1	40,181	42,190	44,299	46,514
P-2	48,840	51,282	53,846	56,538

P-1 - Patrolman P-2 - Sergeant

GROUP: TEAMSTERS - WATER
Effective: January 1, 2005 (2% Adjustment)

Title	Grade	Step 1	Step 2	Step 3	Step 4
Water Craftsman 1	WC1	35,254	36,752	38,030	39,449
Water Craftsman 2	WC2	40,852	42,193	43,945	45,566
Water Craftsman 2/Equip. Operator	WC3	41,362	42,703	44,455	46,076
Working Foreman	WC4	44,899	47,036	49,033	51,030
Water Foreman	WC5	47,050	49,300	51,550	53,804

GROUP: TEAMSTERS - WATER
Effective: July 1, 2005 (3.5% Adjustment)

Title	Grade	Step 1	Step 2	Step 3	Step 4
Water Craftsman 1	WC1	36,488	38,038	39,361	40,830
Water Craftsman 2	WC2	42,282	43,670	45,483	47,161
Water Craftsman 2/Equip. Operator	WC3	42,810	44,198	46,011	47,689
Working Foreman	WC4	46,470	48,682	50,749	52,816
Water Foreman	WC5	48,697	51,026	53,354	55,687

GROUP: TEAMSTERS - WATER
Effective: July 1, 2006 (3.5% Adjustment)

Title	Grade	Step 1	Step 2	Step 3	Step 4
Water Craftsman 1	WC1	37,765	39,369	40,739	42,259
Water Craftsman 2	WC2	43,762	45,198	47,075	48,812
Water Craftsman 2/Equip. Operator	WC3	44,308	45,745	47,621	49,358
Working Foreman	WC4	48,096	50,386	52,525	54,665
Water Foreman	WC5	50,401	52,812	55,221	57,636

GROUP: HIGHWAY – TEAMSTERS
Effective: January 1, 2005 (2% Adjustment)

Title	Grade	Step 1	Step 2	Step 3	Step 4
No positions	H-5	16.67	17.16	17.74	18.26
Medium Equipment Operator	H-6	17.16	17.74	18.26	18.94
Heavy Equipment Operator	H-7	17.74	18.26	18.94	19.49
Grader Operator, Special Equip Op	H-8	18.26	18.94	19.49	20.19
No positions	H-9	18.94	19.49	20.19	20.86
Working Foreman, Mechanic/Welder	H-10	19.49	20.19	20.86	21.54
Assistant Chief Operator	H-11	20.19	20.86	21.54	22.29
Master Mechanic/Fleet Maintenance	H-11				
Mechanic/Operator	H-11				
General Foreman	H-11				

GROUP: HIGHWAY – TEAMSTERS
Effective: July 1, 2005 (3.5% Adjustment)

Title	Grade	Step 1	Step 2	Step 3	Step 4
No positions	H-5	17.25	17.76	18.36	18.90
Medium Equipment Operator	H-6	17.76	18.36	18.90	19.60
Heavy Equipment Operator	H-7	18.36	18.90	19.60	20.17
Grader Operator, Special Equip Op	H-8	18.90	19.60	20.17	20.90
No positions	H-9	19.60	20.17	20.90	21.59
Working Foreman, Mechanic/Welder	H-10	20.17	20.90	21.59	22.29
Assistant Chief Operator	H-11	20.89	21.59	22.30	23.07
Master Mechanic/Fleet Maintenance	H-11				
Mechanic/Operator	H-11				
General Foreman	H-11				

GROUP: HIGHWAY – TEAMSTERS
Effective: July 1, 2006 (3.5% Adjustment)

Title	Grade	Step 1	Step 2	Step 3	Step 4
No positions	H-5	17.85	18.38	19.00	19.56
Medium Equipment Operator	H-6	18.38	19.00	19.56	20.29
Heavy Equipment Operator	H-7	19.00	19.56	20.29	20.88
Grader Operator, Special Equip Op	H-8	19.56	20.29	20.88	21.63
No positions	H-9	20.29	20.88	21.63	22.35
Working Foreman, Mechanic/Welder	H-10	20.88	21.63	22.35	23.07
Assistant Chief Operator	H-11	21.62	22.35	23.08	23.88
Master Mechanic/Fleet Maintenance	H-11				
Mechanic/Operator	H-11				
General Foreman	H-11				

GROUP: PARK AND RECREATION
Effective January 1, 2005 (2% adjustment)

Title	Grade	Step 1	Step 2	Step 3	Step 4
Groundskeeper 1	P&R - 1	15.54	16.02	16.52	17.12
Groundskeeper 2	P&R - 2	16.02	16.52	17.12	17.68
Groundskeeper 3	P&R - 3	17.68	18.19	18.86	19.46
Working Foreman	P&R - 4	18.86	19.46	20.25	20.79
Master Mechanic	P&R - 6	20.25	20.79	21.50	22.23
General Foreman	P&R - 7	21.63	22.35	23.05	23.77

GROUP: PARK AND RECREATION
Effective July 1, 2005 (3.5% adjustment)

Title	Grade	Step 1	Step 2	Step 3	Step 4
Groundskeeper 1	P&R - 1	16.08	16.58	17.10	17.72
Groundskeeper 2	P&R - 2	16.58	17.10	17.72	18.30
Groundskeeper 3	P&R - 3	18.30	18.83	19.52	20.14
Working Foreman	P&R - 4	19.52	20.14	20.96	21.52
Master Mechanic	P&R - 6	20.96	21.52	22.25	23.01
General Foreman	P&R - 7	22.39	23.13	23.86	24.60

GROUP: PARK AND RECREATION
Effective July 1, 2006 (3.5% adjustment)

Title	Grade	Step 1	Step 2	Step 3	Step 4
Groundskeeper 1	P&R - 1	16.65	17.16	17.70	18.34
Groundskeeper 2	P&R - 2	17.16	17.70	18.34	18.94
Groundskeeper 3	P&R - 3	18.94	19.49	20.20	20.85
Working Foreman	P&R - 4	20.20	20.85	21.69	22.27
Master Mechanic	P&R - 6	21.69	22.27	23.03	23.81
General Foreman	P&R - 7	23.17	23.94	24.69	25.46

APPENDIX D

RETIREE HEALTH INSURANCE ENROLLMENT

All Senior Plans	Total FY06 Plan Rates	Current Retiree % Contribution	Current Retiree Enrollment
BCBS - Medicare HMO Blue (Formerly BlueCare 65)	$214.26	27.4000%	4
BCBS - Managed Blue for Seniors	$300.45	27.4000%	9
BCBS - Medex	$353.00	50.0000%	99
Fallon Sr	$148.00	27.4000%	0
Harvard Pilgrim First Seniority	$167.00	25.0000%	8
Harvard Pilgrim Medicare Enhance	$408.00	50.0000%	8
Tufts Medicare Compliment (Formerly Tufts SR)	$289.00	27.0073%	17
Tufts Medicare Preferred (Formerly Secure Horizons)	$141.00	27.0073%	13
Total Enrollment			**158**
Monthly Medicare Premium Effective 01/01/06	$88.50	100%	

Note: All Senior Plans are Individual Plans

All Active Plans	Total FY06 Plan Rates	Current Retiree % Contribution	Current Retiree Enrollment
BCBS HMO - Network Blue of N.E. - Individual	$445.00	27.4000%	25
BCBS HMO - Network Blue of N.E. - Family	$1,194.00	33.5000%	13
Fallon HMO - Direct Care - Individual	$350.12	27.4000%	0
Fallon HMO - Direct Care - Family	$948.84	33.5000%	0
Fallon HMO - Select Care - Individual	$369.27	27.4000%	0
Fallon HMO - Select Care - Family	$1,000.72	33.5000%	0
Harvard Pilgrim HMO - Individual	$418.00	25.0000%	46
Harvard Pilgrim HMO - Family	$1,088.00	30.5000%	29
Harvard Pilgrim PPO - Individual	$732.00	50.0000%	5
Harvard Pilgrim PPO - Family	$1,611.00	50.0000%	4
Tufts - EPO - Individual	$458.00	27.0073%	18
Tufts - EPO - Family	$1,198.00	35.1351%	12
Tufts - POS - Individual	$732.00	50.0000%	4
Tufts - POS - Family	$1,611.00	50.0000%	0
Total Enrollment			**156**

Harvard Pilgrim HMO (Non-Senior Plan) Retiree Individual Rate @ 25%	Harvard Pilgrim First Seniority Retiree Rate @ 25%	Medicare Monthly Premium Eff. 01/01/06	New Total Retiree Monthly Cost	Total Monthly Premium Increase
$104.50	$41.75	$88.50	$130.25	$25.75

Harvard Pilgrim HMO (Non-Senior Plan) Retiree Family Rate @ 30.5000%	Harvard Pilgrim First Seniority - Two (2) Individual Plans Retiree Rate @ 25%	Two (2) Medicare Monthly Premiums Eff. 01/01/06	New Total Retiree Monthly Cost	Total Monthly Premium Decrease
$331.84	$83.50	$177.00	$260.50	-$71.34

Harvard Pilgrim PPO (Non-Senior Plan) Retiree Individual Rate @ 50%	Harvard Pilgrim First Seniority Retiree Rate @ 25%	Medicare Monthly Premium Eff. 01/01/06	New Total Retiree Monthly Cost	Total Monthly Premium Decrease
$366.00	$41.75	$88.50	$130.25	-$235.75

Harvard Pilgrim PPO (Non-Senior Plan) Retiree Family Rate @ 50%	Harvard Pilgrim First Seniority – Two (2) Individual Plans Retiree Rate @ 25%	Two (2) Medicare Monthly Premiums Eff. 01/01/06	New Total Retiree Monthly Cost	Total Monthly Premium Decrease
$805.50	$83.50	$177.00	$260.50	-$545.00

Tufts EPO (Non-Senior Plan) Retiree Individual Rate @ 27.0073%	Tufts Medicare Preferred (Formerly Secure Horizons) Retiree Rate @ 27.0073%	Medicare Monthly Premium Eff. 01/01/06	New Total Retiree Monthly Cost	Total Monthly Premium Increase
$123.69	$38.08	$88.50	$126.58	$2.89

Tufts EPO (Non-Senior Plan) Retiree Individual Rate @ 35.1351%	Tufts Medicare Preferred (Formerly Secure Horizons) Two (2) Individual Plans Retiree Rate @ 27.0073%	Two (2) Medicare Monthly Premiums Eff. 01/01/06	New Total Retiree Monthly Cost	Total Monthly Premium Decrease
$420.92	$76.16	$177.00	$253.16	-$167.76

Tufts POS (Non-Senior Plan) Retiree Individual Rate @ 50%	Tufts Medicare Preferred (Formerly Secure Horizons) Retiree Rate @ 27.0073%	Medicare Monthly Premium Eff. 01/01/06	New Total Retiree Monthly Cost	Total Monthly Premium Decrease
$366.00	$38.08	$88.50	$126.58	-$239.42

Tufts POS (Non-Senior Plan) Retiree Family Rate @ 50%	Tufts Medicare Preferred (Formerly Secure Horizons) Two (2) Individual Plans Retiree Rate @ 27.0073%	Two (2) Medicare Monthly Premiums Eff. 01/01/06	New Total Retiree Monthly Cost	Total Monthly Premium Decrease
$805.50	$76.16	$177.00	$253.16	-$552.34

BCBS Network Blue of New England (Non-Senior Plan) Retiree Individual Rate @ 27.4000%	BCBS Managed Blue for Seniors Retiree Rate @ 27.4000%	Medicare Monthly Premium Eff. 01/01/06	New Total Retiree Monthly Cost	Total Monthly Premium Increase
$121.93	$82.32	$88.50	$170.82	$48.89

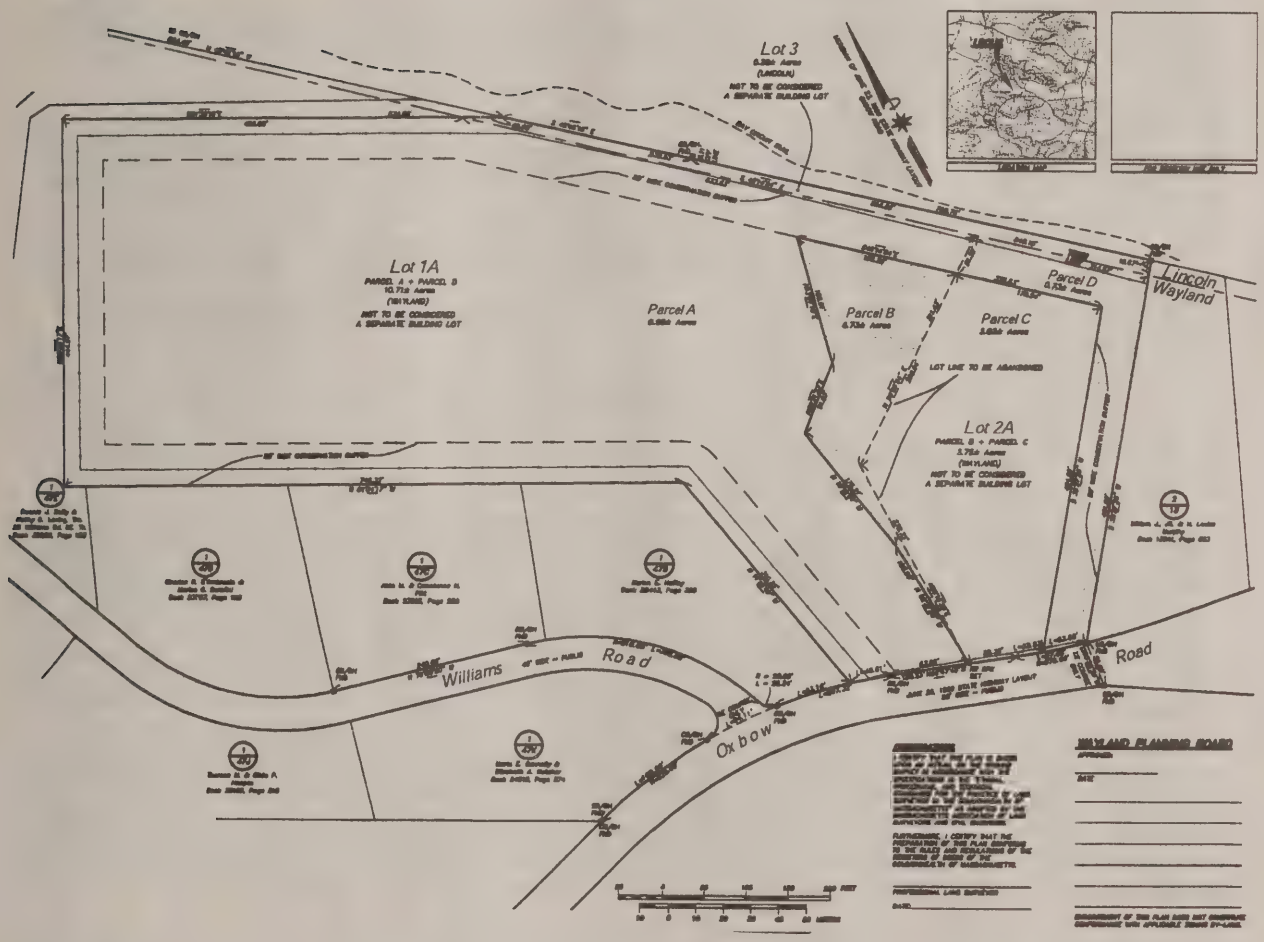
BCBS Network Blue of New England (Non-Senior Plan) Retiree Family Rate @ 33.5000%	BCBS Managed Blue for Seniors Two (2) Individual Plans Retiree Rate @ 27.4000%	Two (2) Medicare Monthly Premium Eff. 01/01/06	New Total Retiree Monthly Cost	Total Monthly Premium Decrease
$399.99	$164.65	$177.00	$341.65	-$58.34

Fallon Select Care (Non-Senior Plan) Retiree Family Rate @ 27.4000%	Fallon SR Retiree Rate @ 27.4000%	Medicare Monthly Premium Eff. 01/01/06	New Total Retiree Monthly Cost	Total Monthly Premium Increase
$101.18	$40.55	$88.50	$129.05	$27.87

Fallon Select Care (Non-Senior Plan) Retiree Family Rate @ 33.5000%	Fallon SR Two (2) Individual Plans Retiree Rate @ 27.4000%	Two (2) Medicare Monthly Premiums Eff. 01/01/06	New Total Retiree Monthly Cost	Total Monthly Premium Decrease
$335.24	$81.10	$177.00	$258.10	-$77.14

APPENDIX E

ARTICLE 19: EXCHANGE OF A PORTION OF THE FORMER NIKE SITE HOUSING LAND FOR A PORTION OF THE FORMER NIKE SITE ACTIVE AND PASSIVE RECREATION LAND



APPENDIX F

MEMORANDUM OF AGREEMENT

This Agreement, dated as of March 28, 2006, is entered into by and between the Town of Wayland, a Massachusetts municipal corporation, acting by and through its Board of Selectmen ("Wayland") and Twenty Wayland, LLC, a Massachusetts limited liability company (the "Developer"), with a principal place of business located at 45 Broad Street, Boston, MA 02109.

RECITALS

The Developer has asked Wayland to consider amending the Wayland Zoning Bylaw ("Zoning Bylaw") by adopting Article 23 "Mixed Use Overlay District" ("MUOD Amendment"), a copy of which is attached as **Exhibit A**, at a Special Town Meeting to be held May 3, 2006, including all adjourned sessions thereof, ("Special Town Meeting") and to include in the Mixed Use Overlay District ("MUOD") a parcel of land consisting of approximately 56.5 acres, more or less, (the "Property") owned by Developer and more particularly shown on the plan attached hereto as **Exhibit B** and incorporated by reference. Wayland has called such Special Town Meeting and included said Article 23 in the Special Town Meeting Warrant as Special Town Meeting Warrant Article 2. The adoption of the MUOD Amendment and the inclusion of the Property within the MUOD would enable the Developer to apply to the Wayland Planning Board ("Planning Board") for special permits and Site Plan Approvals required under the proposed amendment to the Zoning Bylaw for development of an MUP on the Property (the "Development").

AGREEMENT

Now, therefore, for mutual consideration, the receipt and sufficiency of which are hereby acknowledged, Wayland and Developer agree that, if, and only if, the MUOD Amendment is adopted at the Special Town Meeting in the form attached hereto as Exhibit A, without modification which materially affects Developer's rights as set forth herein and Developer applies for and is issued a building permit in accordance with a Master Special Permit granted by the Planning Board for an MUP ("MUP") as described in the MUOD Amendment, then Wayland and Developer shall each perform the actions as set forth herein; provided, however, that with respect to the actions described in Sections B(1), B(2), and B(3), Developer shall perform its obligation regardless of the action of such Special Town Meeting, or the status of any building permit application; furthermore, with regard to the actions described in Sections B(4), B(5), B(6) and J(1) Developer shall perform its obligation at the time of the application for Concept Plan approval, Master Special Permit and Site Plan approval and when the Master Special Permit becomes effective, respectively. If Developer proceeds to develop a mixed-use project on the Property under any modified version of the MUOD Amendment or any other provision of the Zoning Bylaw adopted after the date of this Agreement which allows a mixed use project to be constructed on the Property within five (5) years after the date of this Agreement, Developer shall perform its obligations under this Agreement, except where modified by express written agreement of Wayland and Developer.

A. CONSERVATION RESTRICTION AND EASEMENT AND WETLANDS

1. Developer will execute, acknowledge and record a perpetual Conservation Restriction and Easement on a portion of the Property consisting of at least 10 acres (which may or may not be contiguous) subject to Developer's retained rights (i) to install, maintain, repair, and replace pedestrian and bicycle walkways and trails, and underground utility wires, lines, pipes, and conduits for all purposes necessary for development, maintenance, and operation of an MUP and (ii) to construct any improvements required under any permit for construction of an MUP. The holder of the Conservation Restriction and Easement shall be the Sudbury Valley Trustees, Inc., a Massachusetts non-profit corporation, or another entity designated by Wayland, which may be the Wayland Conservation Commission. Developer and the Holder will execute, acknowledge and submit the

Conservation Restriction and Easement to the Massachusetts Executive Office of Environmental Affairs for approval and execution. In addition to the other remedies available to the holder of the Conservation Restriction and Easement for enforcement and violations thereof, the Developer, its heirs, successors, and assigns shall be liable to Wayland for civil fines of $300.00 per day. Each day that any such violation occurs or continues shall constitute a separate offense. Prior to taking any action to enforce any violation of the Conservation Restriction and Easement, the holder thereof shall send or deliver a written notice describing the violation to the Developer, who shall cure any such violation within thirty (30) days after receipt of such notice. The exact configuration of the Land which will be encumbered by the Conservation Restriction and Easement shall be determined as part of the Master Special Permit process described in the MUOD Amendment.

2. Prior to filing an application for the Master Special Permit, the Developer shall file with the Wayland Conservation Commission an Abbreviated Notice of Resource Area Delineation ("ANRAD") seeking a determination of the existence and location of resource areas subject to protection under M.G.L. c. 131, §40 (the Wetland Protection Act), 310 C.M.R. 10.00, et seq. and Wayland's Wetlands and Water Resource Protection By-Law on the Property. The location of all such resource areas determined pursuant to said ANRAD shall be shown on the plans filed with the Master Special Permit application.

3. At the time that the Master Special Permit becomes effective, Developer agrees to deposit with the Wayland Treasurer the amount of $35,000.00, as a gift pursuant to M.G.L. c. 44, §53A, to be used for the improvement, management and maintenance of the Town-owned conservation land abutting the Property known as "Cow Common".

B. ENGAGEMENT OF CONSULTANTS; REIMBURSEMENT FOR COSTS

1. Payment of Consultants during the Rezoning Process. Within 30 days after the Attorney General approves the MUOD Amendment, , Developer agrees to replenish the existing escrow account(s) in the office of the Wayland Treasurer in an amount sufficient to pay for all documented costs of Wayland's consultants in the rezoning process up to and including the conclusion of the Special Town Meeting at which the MUOD Amendment is considered up to an aggregate maximum of $30,000.00 for these and the costs under paragraphs (2) and (3) of this Section B.

2. Payment of Legal Counsel during the Rezoning Process. Within 30 days after the Attorney General approves the MUOD Amendment, , Developer agrees to replenish the existing escrow account(s) in the office of the Wayland Treasurer in an amount sufficient to pay for all documented costs of Wayland's special legal counsel and/or Town Counsel in the rezoning process and in the preparation of this Agreement up to and including the conclusion of the Special Town Meeting at which the MUOD Amendment is considered up to an aggregate maximum of $30,000.00 for these and the costs under paragraphs (1) and (3) of this Section B.

3. Payment for Special Town Meeting. All documented costs incurred by Wayland associated with conducting the Special Town Meeting shall be paid by Developer provided that the MUOD Amendment has been approved by Attorney General. , Within 30 days of receipt of an itemized invoice for such costs, Developer shall reimburse Wayland for such costs, up to an aggregate maximum of $30,000.00 for these and the costs under paragraphs (1) and (2) of this Section B.

4. Payment for Review of Concept Plan. At the time of the submittal of the Concept Plan required by the MUOD Amendment, Developer shall deposit with the Wayland Treasurer the amount of $10,000.00, (the "Concept Plan Escrow Account") which shall be used pursuant to M.G.L.c. 44, §53G by the Planning Board to engage a landscape architect, architect, and/or urban designer to provide technical assistance during the review of the Concept Plan. The Concept Plan Escrow Account shall be replenished by Developer at the request of the Planning Board when the balance falls to $2,500.00. Such person shall assist the Planning Board in evaluating the Developer's Concept Plan and in determining whether such Concept Plan is consistent with the MUOD Amendment.

5. Payment for Review of Plans and Documents Accompanying the Application for a Master Special Permit. At the time of the submittal of the application for the Master Special Permit required by the MUOD

Amendment, Developer shall deposit with the Wayland Treasurer the amount of $25,000.00, (the "Special Permit Escrow Account") which shall be used pursuant to M.G.L.c. 44, §53G by the Planning Board and any boards, committees or officials whose input or recommendations are sought pursuant to the MUOD Amendment by the Planning Board relative to said application to engage a landscape architect, architect, urban designer, civil engineer, traffic engineer, attorney, and other reasonably necessary consultants to provide technical assistance during the review of said application, except for a Licensed Site Professional. The Special Permit Escrow Account shall be replenished by Developer at the request of the Planning Board when the balance therein falls to $5,000.00.

6. Payment for Review of Plans and Documents Accompanying the Application for Site Plan Review Phase I or Phase II. At the time of the submittal of the application for site plan review (Phase I or Phase II) required by the MUOD Amendment, Developer shall deposit with the Wayland Treasurer the amount of $15,000.00, (the "Site Plan Escrow Account") which shall be used pursuant to M.G.L. c. 44, §53G by the Planning Board to engage a landscape architect, architect, urban designer, civil engineer, traffic engineer, attorney, and other reasonably necessary consultants to provide technical assistance during the review of said application, except for a License Site Professional. The Site Plan Escrow Account shall be replenished by Developer at the request of the Planning Board when the balance falls to $3,000.00.

7. Payment for Review of Plans and Documents Before and during Construction. At the time the Developer submits its first application for a building permit with respect to an MUP, Developer shall deposit with the Wayland Treasurer a gift the amount of $150,000.00, (the "Construction Escrow Account") which shall be used pursuant to M.G.L. c. 44, § 53A by Wayland to engage a landscape architect, architect, code consultant, building inspector, civil engineer, wastewater engineer, conservation consultant, traffic engineer, attorney, fire protection engineer, structural engineer, and other reasonably necessary consultants to provide technical assistance and inspections before and during the construction of an MUP, except for a Licensed Site Professional. Such account shall be used to pay for reasonably necessary outside consultant costs and expenses associated with document or plan review and inspections required by the Planning Board, Building Commissioner, Board of Selectmen, Board of Road Commissioners, Fire Department, Police Department, and Board of Health to review building permit applications and to conduct conformance review during and following the completion of construction in connection with the development of an MUP.

8. Management and Allocation of Escrow Accounts.

a. With respect to the escrow accounts anticipated in Sections B(4), B(5), B(6), and B(7), in the event that actual costs for a specific budgeted item are not expended, at the time such escrow account is terminated, any funds allocated for such costs which remain in an escrow account must be used to replenish other required escrows before requesting additional funding from Developer.

b. Wayland agrees that prior to engaging any consultant or incurring any costs which will be paid for by Developer, Wayland will: (i) consult with Developer; (ii) provide a budget for the anticipated consultant contract; (iii) not incur any such cost, or enter into any such contract, without prior notice to Developer; and (iv) upon request from Developer, provide a periodic accounting for each of the specific escrow accounts referenced in this section. Nothing herein shall be construed as granting Developer any rights not provided in M.G.L. c. 44, § 53G to contest or challenge consultants selected by Wayland or any of its boards, committees or officials.

c. Upon final payment of invoices for the various costs and consultant fees required of Developer pursuant to this Section, Wayland will provide a final accounting of all such expenses and payments, pursuant to statute. Unless Developer objects to such reconciliation within 30 days following receipt of same, the reconciliation will be deemed acceptable to both Wayland and Developer. Wayland will provide Developer a release from any further obligations with respect to the payments required from Developer under this Section. Any funds remaining in any escrow account at that time will be disposed of in accordance with the provisions of Section J (2) below.

C. MUNICIPAL WATER SUPPLY

1. Prior to the issuance of any certificate of occupancy, Developer shall cause the existing eight inch (8") diameter on-site water mains on the Property to be abandoned, cut and capped. Such water lines shall be

replaced with water lines or other lines acceptable to the Wayland Board of Water Commissioners and the Wayland Fire Department.

2. All fire service lines, domestic water lines and lateral connections from the new water main to the individual buildings within the MUP shall comply with the requirements of both the Wayland Board of Water Commissioners and the Wayland Fire Department.

D. MUNICIPAL SEWER FACILITY

1. **Definitions** - For purposes of this section D the following definitions shall apply:
   a. **"EPA"** - United States Environmental Protection Agency.
   b. **"New Plant"** – The new wastewater treatment, collection, and disposal systems, all as permitted and built pursuant to this Section, to the extent located on the Property or on the parcel of land presently owned by Wayland, together with any appurtenant easements held or to be held by Wayland..
   c. **"New Plant Permits"** - All local, state and federal approvals and permits required for construction of the New Plant, as well as all approvals and permits necessary to allow the Developer, WWMDC, or Wayland to connect to the New Plant.
   d. **"Assessment Study"** - A study to be conducted by Developer's consultants (who shall be reasonably acceptable to Wayland) within thirty (30) days after the Attorney General approves the MUOD Amendment, to be shared with the WWMDC, to assess the necessity of replacing the Plant with the New Plant or upgrading the Plant.
   e. **"MDEP"** - Massachusetts Department of Environmental Protection.
   f. **"Plant"** - The existing wastewater treatment, collection and disposal systems, to the extent located on the Property or on the parcel of land presently owned by Wayland, together with any appurtenant easements presently held by Wayland.
   g. **"Wayland"** - shall mean the Wayland Board of Selectmen or the WWMDC if designated by the Wayland Board of Selectmen.
   h. **"WWMDC"** - the Wayland Wastewater Management District Commission.

2. All studies, assessments, investigations, design, permit applications, wastewater capacity allocations and construction on any component of the Plant or the New Plant and amendments to the MOA are subject to review and approval by the WWMDC, except as otherwise provided in this Section D.

3. Developer and Wayland hereby acknowledge and confirm that each has certain rights and obligations under a August 30, 1999 Memorandum of Agreement by and between Wayland and WWMDC and Wayland Business Center, LLC (Developer's predecessor in interest), as modified by a Supplemental Agreement dated September 24, 1999 (collectively the "MOA"), including, without limitation, regarding gallons per day of maximum daily design flow (as defined in 310 CMR 15.000) of 20,000 for Wayland and WWMDC and 45,000 for Developer.

4. Developer will initially conduct the Assessment Study to assess the necessity of replacing the Plant with the New Plant or upgrading the Plant, based on public health and environmental considerations and legal requirements of EPA and MDEP. Wayland and WWMDC shall, as a precondition of Developer's obligation to conduct the Assessment Study, provide a license or other authorization to allow Developer and its consultants access to the Plant and any records relating to the design, construction or operation thereof. Upon completion of the Assessment Study, Developer will provide WWMDC and Wayland with a technical memorandum describing the study and its conclusions and recommendations. Developer will review the recommendations with WWMDC and Wayland to enable them to determine whether to proceed toward developing the New Plant.

5. Wayland and Developer agree that the WWMDC will undertake the responsibility of permitting, designing, and constructing the New Plant or any upgrade of the Plant.

6. Wayland and WWMDC may choose not to proceed with design, permitting or construction of the New Plant, even if the Assessment Study so recommends, but Wayland and WWMDC shall in such event indemnify Developer from any cost or loss that arises from this choice.

7. If Wayland or WWMDC elects or is ordered to undertake design, permitting and construction of the New Plant or any upgrade of the Plant, then Wayland will prepare all applications necessary to obtain the New Plant Permits, in consultation with Developer. WWMDC and/or Wayland, as applicant, will execute these applications, which will then be submitted to the appropriate agencies. Once the necessary permits are obtained, then Wayland or WWMDC will proceed with construction of the New Plant or upgrade of the Plant.

8. Notwithstanding anything set forth in this Section D, Developer will be allowed to proceed with construction and occupancy of an MUP pursuant to a Master Special Permit and all other required approvals, prior to Wayland's or the WWMDC's completing construction of the New Plant, provided construction and occupancy of the MUP does not materially and unreasonably interfere with construction of the New Plant.

9. Ownership of the land under the New Plant shall be conveyed to Wayland, to be placed in the custody of the WWMDC, in fee simple immediately before construction is commenced, provided Wayland simultaneously conveys ownership of the land under the Plant to Developer, in fee simple, subject to the provisions of M.G.L. c. 40, §§ 3 and 15A and M.G.L. c. 30B. In recognition of the necessity for Wayland Town Meeting approval for such a land exchange, the Developer and Wayland agree to execute a License Agreement effecting the land exchange, with a mutual termination clause, which shall remain in effect until such Town Meeting Approval can be obtained. Developer recognizes that a New Plant may reasonably require a larger parcel than the parcel on which the Plant is now located. If the assessment study recommends a New Plant, then Developer agrees to license and/or convey a parcel up to fifty percent (50%) larger than the size of the current parcel of land on which the Plant is located.

10. Developer can be charged any connection, betterment, improvement, or similar fees by Wayland or WWMDC, but only as authorized pursuant to Massachusetts general or special law ("Developer's Share"). In addition, pursuant to its offer, Developer hereby agrees to make a gift to Wayland pursuant to M.G.L. c. 44, §53A, within 90 days after construction of the New Plant or upgrade to the Plant is completed, subject to the following terms and conditions:

a. The amount of this gift shall be equal to seven percent (7%) the total construction cost of the New Plant or upgrade to the Plant but shall not exceed $175,000.00; and

b. The Assessment Study recommends the construction of the New Plant or upgrade to the Plant.

11. Nothing in this Agreement shall be construed as limiting the Developer's and the WWMDC's rights to enter into a separate and independent agreement modifying the MOA to provide for the construction of a new wastewater treatment, collection, and disposal system on the Property or on the parcel of land presently owned by Wayland with a capacity which is greater than the current capacity of the Plant.

E. TRAFFIC IMPROVEMENTS

1. Developer shall pay for planning, permitting, and design, and shall install and construct at its sole expense, such off-site traffic improvements and mitigation as may be required by Massachusetts Highway Department ("MHD") with respect to U.S. Route 20, Boston Post Road (the "MHD Traffic Improvements"). Developer agrees to pursue the approval by the MHD for the MHD Traffic Improvements and Wayland agrees that it will reasonably cooperate with Developer in its efforts to obtain MHD approval, including the execution of any documents required therewith. At least 14 days prior to the submittal of any design for such traffic improvements to MHD, Developer shall provide copies of the proposed design to the Town of Wayland Board of Road Commissioners ("BORC") for their review. Developer shall obtain approval from the MHD for the MHD Traffic Improvements and substantially complete construction of the MHD Traffic Improvements prior to the issuance of the first certificate of occupancy for the construction of any building on the Property which is part of the MUP.

2. Developer shall pay for planning, permitting, and design, and shall install and construct at its sole expense such off-site traffic improvements and mitigation as may be required by BORC with respect to Route 27 (Old Sudbury Road), Route 126 (Concord Road) and the intersection of Routes 20, 27 and 126, except to the extent under the jurisdiction of MHD, (the "BORC Traffic Improvements") in accordance with the design plans,

methods and means of construction and the Town Way Physical Alteration Permit approved by the BORC. Any contractor hired or engaged by the Developer to construct the BORC Traffic Improvement shall be pre-qualified by the Commonwealth of Massachusetts in accordance with procedures established to pre-qualify such contractors to perform construction work on highways owned by the Commonwealth. The BORC's designated representative shall be given reasonable prior notice of all pre-construction and construction work meetings relative to the BORC Traffic Improvements and shall have the right to attend and participate in all such meetings and periodically inspect the work. Construction of the BORC Traffic Improvements shall be completed as required in the construction phasing schedules established by BORC, or MHD, or as established during the MEPA permitting process (if applicable) and as approved by the BORC prior to the issuance of the first certificate of occupancy for any building constructed in the MUP. The BORC's approval of the BORC Traffic Improvements shall not be unreasonably withheld or delayed. Traffic control equipment provided as part of the BORC Traffic Improvements shall be as per BORC specifications, including, without limitation, ornamental, post-mounted signal poles painted as prescribed by BORC; and shall include control preemption equipment for emergency vehicles.

3. During the Planning Board's review of the Master Special Permit, Developer shall be required to perform new traffic analyses, including, but not limited to, quantifying the number of trips expected to use cut-through routes along Bow Road, Glezen Lane, Moore Road, Training Field Road, Claypit Hill Road, Plain Road, Millbrook Road, Glen Road, and Pelham Island Road considering travel time assessments between the proposed primary route and the established neighborhood streets. After the issuance of the first certificate of occupancy for any building constructed on the Property as part of the MUP, Developer agrees to donate to Wayland the sum of $75,000.00 in accordance with M.G.L. c. 44, § 53A, to be expended by the BORC for analyses, studies, planning, permitting, design, installation and construction such off-site traffic improvements and mitigation as may be required by BORC with respect to said roads (the "Neighborhood Roads Traffic Improvements"). If said funds are not expended by Wayland for the Neighborhood Roads Traffic Improvements within five years after final completion of the MUP, any remaining funds may be expended by Wayland for general municipal purposes.

4. Developer shall construct and maintain streets and parking areas within the MUP, except for the Municipal Parcel as defined in Section K below, at its sole cost and expense, it being the intention that all such streets and parking areas shall remain privately owned. Developer's obligations to construct a parking area within the Parking Parcel are set forth in Section K below.

5. It is anticipated by and between the parties that some MHD Traffic Improvements and BORC Traffic Improvements may not be completed prior to the issuance of a certificate of occupancy for any building constructed as part of an MUP on the Property. To the extent that for any reason the MHD Traffic Improvements or the BORC Traffic Improvements are not completed prior to Developer's application for a certificate of occupancy, Developer agrees that the Planning Board may require, as a condition for the issuance of any such certificate of occupancy, security for such incomplete work in the manner provided for securing construction of ways and the installation of municipal services set forth in M.G.L.c. 41, §81U, paragraphs (1) and (2). The amount of such security shall be determined by Wayland, through the Planning Board, after consultation with Developer and shall be sufficient to cover the design and construction of any such incomplete work whether required under the Master Special Permit, any BORC permit, or any MHD permit. Wayland agrees that any incomplete work secured pursuant to the provisions of this Section relative to the BORC Traffic Improvements shall be deemed complete for the purpose of approval of any certificate of occupancy.

6. Prior to the issuance of any certificate of occupancy for a building in an MUP, Developer agrees to donate to Wayland the sum of $30,000.00 in accordance with M.G.L. c. 44, §53A, to be expended by the BORC for the maintenance and replacement of traffic lights and associated equipment and signs installed and constructed as part of the MHD Traffic Improvements, the BORC Traffic Improvements and the Neighborhood Roads Traffic Improvements.

7. Developer shall be allowed to construct any improvements or utility connections as may be required within public ways, provided road opening or curb cut permits, and waivers from any road or street opening moratorium are obtained from all appropriate agencies, commissions, or boards.

8. To the extent authorized by vote of a town meeting where necessary, Wayland agrees to secure and grant, at no cost to the Developer, all temporary construction easements or licenses on any land owned or controlled by Wayland that may be necessary to allow construction of the MHD Traffic Improvements and/or the BORC Traffic Improvements. Additionally, to the extent authorized by vote of a town meeting where necessary, Wayland agrees to secure all temporary construction easements on any other land that may be necessary to allow construction of the MHD Traffic Improvements and/or the BORC Traffic Improvements, provided that Developer will indemnify Wayland against all costs (including, without limitation, appraisals, engineering, surveying, legal, court costs and landowner compensation and/or damage awards and interest thereon) incurred by Wayland in securing such temporary construction easements.

9. In the event that the Master Special Permit includes a condition restricting access to the Property from Route 27 to residential vehicles and emergency access vehicles only, Developer agrees that it will not appeal the imposition of such condition and if the MUP is built, will comply with such condition.

10. In the event that the Wayland Conservation Commission or MDEP requires replication of wetlands to compensate for any land used for any required widenings or other work associated with the MHD Traffic Improvements or the BORC Traffic Improvements, Wayland agrees to grant a license to Developer for any such replication on a reasonable area of Town-owned land designated by Wayland, provided that such replication does not materially interfere with Wayland's use of such Town-owned land.

F. DESIGN

1. Aggregate Limits. Developer's application for Concept Plan review, for a Master Special Permit, and for Phase I and Phase II Site Plan Approval pursuant to the MOUD Amendment shall propose an MUP consisting of a combination of retail, office, municipal, service establishments and uses in buildings and a setting designed in a traditional, small New England village style with multiple non-residential uses and a mix of buildings containing single or multiple establishments with the following aggregate limits:

a. The residential component of the MUP shall contain not more than 167,500 square feet of Gross Floor Area. There shall be not more than 100dwelling units of which 25% shall be affordable units, as defined and set forth in the MUOD Amendment, with no more than 200 bedrooms in the aggregate. Not more than 15 dwelling units shall contain three bedrooms. No dwelling unit shall contain more than three bedrooms. In the event that Developer creates a condominium or condominiums pursuant to the provisions of M.G.L. c. 183A for the residential component of the MUP, the master deed(s) shall incorporate said limitations on Gross Floor Area, number of dwelling units and number of bedrooms. In any event, prior to the issuance of the first certificate of occupancy for any such dwelling unit, Developer shall execute and deliver to Wayland, in a form reasonably acceptable to Town Counsel, a perpetual covenant or restriction running with the Property and running to the benefit of the adjoining Town-owned land known as "Cow Common" which contains, at a minimum, said limitation on number of bedrooms. In the MUP, Developer shall not apply for or obtain a comprehensive permit pursuant to the provisions of M.G.L. c. 40B to permit the construction of a greater number of dwelling units or dwelling units with a greater number of bedrooms;

b. The non-residential component of the MUP, exclusive of municipal uses and any uses related to the wastewater treatment facility, shall contain not more than 165,000 square feet of Gross Floor Area , with not more than 156,750 square feet Gross Floor Area dedicated to retail uses and not more than 10,000 square feet Gross Floor Area dedicated to office uses.; and

c. 40,000 square feet of Gross Floor Area for municipal purposes.

2. Developer shall install all utilities serving the MUP underground, including, but not limited to, water, sewer, gas, electric, and cable.

3. In designing its Concept Plan, and any plans submitted with an application for a Master Special Permit, Developer will use reasonable efforts to cooperate with the developer of the "Wayland Commons"

affordable housing M.G.L. c. 40B development, to coordinate site development, utilities and landscaping plans and to develop complementary building designs for their respective developments in a manner which is complementary of and appropriate to the existing Town Center.

4. Developer shall cooperate with Wayland and take all reasonable actions required so that the MUP or any part thereof, separately, or in conjunction with adjoining property may qualify for approval as a smart growth zoning district under the provisions of M.G.L. c. 40R, provided that such actions do not unreasonably delay or adversely impact the MUP.

5. No application for Concept Plan review shall be submitted to the Planning Board pursuant to the MUOD Amendment until at least ninety (90) days have elapsed after the MUOD Amendment has been adopted by the Special Town Meeting. No Master Special Permit application or application for any special permit pursuant to the MUOD Amendment shall be submitted to the Planning Board or filed with the Town Clerk until at least ninety (90) days have elapsed after the Developer has filed an application for Concept Plan review.

G. SITE CONTAMINATION AND REMEDIATION

1. Developer's Obligation. Developer shall not be obligated to proceed with any submittal or application for approval of an MUP, or subsequently for construction of such an MUP, until Developer has received any and all permits, approvals, waivers, and clearances to construct the proposed MUP, within the aggregate limits set forth in Section F above, from Raytheon Company and MDEP, including, without limitation, release or modification by Raytheon Company and MDEP of the Activity Use Limitation ("AUL") (collectively the "Raytheon Approvals") restricting the development of residential uses and open space on the Property. In the event that Developer does not receive the Raytheon Approvals, in form and substance satisfactory to Developer, then at Developer's option, Developer may terminate this Agreement in which case any obligation of the Developer under this Agreement, with the exception of the obligations described in Sections B(1), B(2) and B(3), and the obligations with respect to consulting fees incurred pursuant to Sections B(4), B(5), and B(6) prior to such termination, shall terminate.

2. Identification and Disposition of AUL. Developer shall identify any AUL on the Property on all relevant plans submitted with applications for Concept Plan, Master Special Permit, and Site Plan Approval. Developer shall advise the Planning Board, Wayland Board of Health, and Wayland Board of Selectmen, in writing, of the disposition of any AUL currently encumbering the Property and other terms of any site remediation agreement negotiated with Raytheon Corporation.

3. Site Development. Developer's site development activities shall not impinge upon planned, ongoing and potential new site contamination investigations, assessments and soil and groundwater remediation activities.

H. MUOD SITE SERVICES

Developer shall be solely responsible for the maintenance and operation, including but not limited to refuse and trash removal, snow removal, road and sidewalk maintenance, lighting, landscape maintenance and similar activities of the MUP to be built on the Property, including any town common, but excluding the Municipal Parcel and Parking Parcel, both as defined in Section K below.

I. PUBLIC SAFETY

1. Developer shall prepare and submit detailed fire suppression and detection plans for review by an independent fire protection engineer selected by the Wayland Fire Department, The cost of this review shall be paid by the Developer through an escrow account, as set forth in Section B(7) of this Agreement.

2. Each building built as part of an MUP shall contain an alarm for smoke or fire detection connected to the Wayland Fire Department via wireless technology.

3. Developer shall provide a Security Plan for review and approval by the Chief of Police, prior to implementation. To the extent permissible under law, for security reasons, such plan shall not be considered a public document.

4. Developer shall be responsible for site security during and following construction. The Developer shall pay for public safety details when required during the construction period when site equipment and material deliveries affect public roadways adjacent to the Property, as well as during particularly busy periods when the development has been completed and is in operation, such as holiday shopping seasons.

5. Pursuant to its offer, Developer shall donate $50,000.00 to Wayland to be held in a gift account in accordance with M.G.L. c. 44, § 53A and used by Wayland for the purchase and installation of a wireless municipal fire alarm system to serve buildings located on the Property and Town-owned buildings, including public school buildings. Said funds will be so donated when the Master Special Permit becomes effective.

J. FINANCIAL GIFTS AND CONSULTANT REVIEW FEES

1. Pursuant to Developer's offer, Developer shall donate to Wayland, Three Million Thirty Thousand ($3,030,000.00) Dollars as a gift pursuant to M.G.L.c. 44, §53A (the "Financial Gift"), of which amount Two Hundred Thousand ($230,000.00) Dollars shall be contributed when the Master Special Permit becomes effective and the balance shall be contributed within 90 days following the issuance of the first building permit for a building in an MUP. Wayland will use the Financial Gift to mitigate impacts of the MUP, to complete certain public improvements, and for other valid public purposes, therefore, the Developer shall not be required to (i) construct any sidewalks outside the boundaries of the Property or (ii) conduct any periodic traffic monitoring, except as required under the terms of Section E above and Section J 3 below. It is agreed that funding for such off site improvements are included in the Financial Gift.

2. Wayland and Developer agree that a reasonable budget for the consultant reviews funded by Developer pursuant to Section B, paragraphs (4) through (7) is approximately $400,000.00 In the event that actual costs are less than $400,000.00, Developer will donate the difference between $400,000.00 and such actual costs to Wayland pursuant to M.G.L.c. 44, §53A, as a gift, and which Developer shall not otherwise be obligated to pay. Wayland shall spend such funds to mitigate impacts of the MUP or any other valid public purposes in accordance with statute.

3. Pursuant to its offer, Developer will, following issuance of the first building permit for construction of a building in an MUP on the Property, donate the sum of $250,000.00 pursuant to M.G.L.c. 44, §53A to fund Wayland's efforts to acquire in fee or by easement or license rights for, and to develop or improve a bicycle trail along the existing MBTA easement, adjacent to the Property, from Route 20 to Route 27, for use by the public. Any funds remaining in the account established for said gift at the completion of said bicycle trail may be used for the planning, design and construction of an historic railroad interpretive site within or along said portion of the MBTA easement. If Wayland does not acquire the necessary land, rights or license for and to develop or improve said bicycle trail within twenty four (24) months following issuance of the first building permit for construction of a building in an MUP on the Property, the unexpended balance of said gift of $250,000.00 will be returned to Developer, after which Wayland will grant any licenses required for, and use best efforts to facilitate Developer's development or improvement of said bicycle trail.

K. LAND AND EASEMENTS DONATION

1. Developer shall provide a 99 year ground lease, with an option to renew in favor of Wayland, or shall grant Wayland a fee interest in a parcel of land, for the sum of one dollar ($1.00), for a municipal "pad" (the "Municipal Parcel"), together with land proximate to the Municipal Parcel sufficient for construction of a parking lot for 100 vehicles (the "Parking Parcel"), as well as any appurtenant green space, for use by Wayland as a public municipal facility, and shall construct all utility connections up to the leasehold or ownership property line, and shall grant such permanent utility easements (which shall include the right to connect to existing utilities and/or construct and install utilities therein) on, over, across, through and under the Property, in locations determined by Developer in Developer's sole discretion, necessary for Wayland to build and operate a

municipal building. Developer shall not be obligated to extend utilities onto the Municipal Parcel or the Parking Parcel, but only to extend those utilities otherwise serving the MUP to stubs at the boundary of the Municipal Parcel or the Parking Parcel. The total land area of the Municipal Parcel, Parking Parcel and appurtenant green space shall be approximately 70,000 square feet. Additionally, Developer shall grant to Wayland, for the sum of one dollar ($1.00), permanent access and egress easements for pedestrian and vehicular traffic over roads, ways and walkways of the MUP to allow reasonable public access to the Municipal Parcel and Parking Parcel and appurtenant green space and to allow reasonable access by authorized Wayland officials, employees, agents and contactors to the land subject to the Conservation Restriction and Easement described in Section A above. Wayland's acquisition of said leasehold or fee interest and easements (except for the Conservation Restriction and Easement) is subject to town meeting authorization. Wayland shall not use the Municipal Parcel for the storage of municipal public works vehicles or equipment or deicing materials or other uses inconsistent with the uses allowed under the MUOD Amendment. Wayland shall, at its sole cost and expense, maintain the Municipal Parcel, Parking Parcel and appurtenant green space. In the event that Wayland fails to maintain either the Municipal Parcel or the Parking Parcel or the appurtenant green space the Developer may, at its election, following notice to Wayland, enter onto and maintain such parcels. Any such entry and/or maintenance shall be at Developer's sole cost and risk and by doing so Developer agrees to release and indemnify Wayland from any and all liability arising from Developer's entry onto the parcels and the maintenance work performed thereon. Except as set forth in the immediately preceding sentence, such entry and/or maintenance shall not create any obligation of Developer with respect to the maintenance of such parcels.

2. Wayland may, within forty-five (45) days following notice from Developer that Developer has received a Master Special Permit, notify Developer of its election to require Developer to construct a parking lot ("Parking Lot Election Notice") with up to 100 parking spaces on the Parking Parcel. Such notice shall include complete construction specifications which shall not exceed the parking design criteria set forth in the Zoning Bylaw. Developer shall then be obligated to construct such parking lot no later than one year following the issuance of the first certificate of occupancy for a building within the MUP. If Wayland does not send a Parking Lot Election Notice, as specified above, Developer shall at the same time it contributes the Financial Gift donate, pursuant to M.G.L.c. 44, §53A, $120,000.00 to Wayland to assist Wayland with costs of future construction of such parking lot and Developer will have no obligation to construct such parking lot.

3. (a) the Developer shall notify Wayland of Wayland's option to require the Developer to design, permit and build an on-site septic system ("Septic System") in compliance with Title 5 (310 CMR 15.000) of the State Environmental Code, with a capacity of 3000 GPD to service the Municipal Parcel; and

(b) Wayland shall, within 90 days following receipt of such notice, either direct Developer to proceed with such design, permitting and construction, or notify Developer that Wayland will not accept a Septic System, in which case Developer will transfer to Wayland 3,000 GPD from Developer's existing 45,000 GPD capacity in the Plant.

4. Developer's obligations under this Section, except as otherwise provided with respect to the parking lot construction, shall be completed on or before issuance of the first certificate of occupancy for any building in the MUP unless Wayland elects to defer connection to the Plant or New Plant, or construction of the on site Septic System until a later date, in which event Developer shall, at Developer's election, either deposit money or negotiable securities, or post a bond, as security for completion of such work. The amount of such security shall be determined by Wayland after consultation with Developer and shall be sufficient to either provide for future connection to the Plant or New Plant, or for design, permit and construction of the Septic System.

5. Developer and Wayland shall use their best efforts to investigate the feasibility of locating and constructing a skating pond on the Property. In the event that Developer has an ownership interest in, operates or maintains any such skating pond, Wayland agrees to enter into an indemnification agreement with the Developer.

L. SUPPLEMENTAL TAX AGREEMENT

1. Developer understands that Wayland supports adoption by Special Town Meeting of the MUOD Amendment, in part, because the proposed MUP will generate significant real property and personal property tax revenue not otherwise anticipated by the current permitted use of the Property. In order to assure Wayland of the continuation of real property tax revenue to Wayland in an amount proportional to the tax revenue anticipated from an MUP, in the event that an MUP is built on the Property and any building or land within the MUP is sold to an entity or organization that is exempt from paying local real estate property taxes, (and such organization converts such building or land to an exempt purpose), Developer will enter into a Supplemental Agreement with Wayland, in the form attached as Exhibit C. The Supplemental Agreement (a) shall be recorded as set forth therein with the Middlesex South District Registry of Deeds; (b) shall bind subsequent owners of the Property; and (c) shall terminate ninety-nine (99) years after the execution thereof. This Section shall not apply to any sale or transfer of any land subject to the Conservation Restriction and Easement referenced in Section A, to a tax exempt entity.

2. In the event that the Developer's demolition and removal of the existing building(s) on the Property results in a reduction in the assessed value of the Property in any fiscal year, Developer shall pay to Wayland an amount calculated by multiplying the tax rate for the then current fiscal year by the assessed value of said building (s) in the most recent fiscal year in which property taxes were assessed on said building(s) (the "PILOT"). In any fiscal year that any such PILOT is payable, payment thereof shall be received by Wayland when property tax payments are ordinarily due. From and after the time that property taxes have been assessed on buildings and improvements constructed as part of the MUP (the "New Building Taxes"), Developer's annual payment obligation shall be the greater of the PILOT or the New Building Taxes, until such time as the New Building Taxes exceed the PILOT for two consecutive fiscal years, after which Developer's obligations under this paragraph 2 and paragraph 3 of this Section L shall cease.

3. When and if the MUOD Amendment is approved by the Attorney General, Developer shall withdraw its petition to the Appellate Tax Board appealing the Wayland Board of Assessors denial of its application for an abatement of the property taxes assessed on the Property for Fiscal Year 2006 and consents to an assessed value on the Property for property tax purposes of not less than $23,422,800.00 for Fiscal Year 2006 and each fiscal year thereafter, except as hereinafter provided. In the event that the Planning Board does not issue an MSP for an MUP on the Property by January 31, 2009, then Developer may contest the assessed value of the Property for Fiscal Year 2010 and any fiscal year thereafter in which an MSP for an MUP has not been issued by July 1st.

M. MISCELLANEOUS PROVISIONS

1. Cell Tower Prohibition. Developer agrees that it will not allow siting of a wireless communications tower or any wireless antennas, receivers, transmitters, or the like, with the exception such equipment owned or leased by tenants for the operation of their businesses, within any MUP constructed within the MUOD. Nothing in this paragraph shall be construed as prohibiting municipal public safety wireless communications or short range wireless computer or intercomputer communications.

2. Invalidity. Wayland and Developer agree that if the Town's adoption of the proposed zoning amendment is determined to be invalid, illegal, or unconstitutional by the Attorney General of the Commonwealth of Massachusetts or by a court of competent jurisdiction prior to the performing of the actions described herein, then the provisions of this Memorandum and each of the agreements and documents referenced herein shall be null and void; provided, however, that the provisions of Sections B(1), B(2), and B(3) shall survive any such determination and shall continue to be in full force and effect.

3. Compliance; Master Special Permit. Developer agrees that the master special permit process shall include the submission of evidence, to the satisfaction of the Planning Board, of compliance with the terms of this Agreement.

4. Other Regulatory Approvals. At the time of filing, Developer shall send or deliver to the Planning Board a copy of all applications and supporting materials (studies, plans, etc.) for approvals by federal, state and regional regulatory authorities (including but not limited to EPA, MHD, MDEP and MEPA) necessary for the development of the MUP.

5. Intent to Bind Successors, Heirs and Assigns. The foregoing obligations shall run with the Property, and shall be binding upon and inure to the benefit and burden of Developer, its heirs, successors, and assigns. A notice thereof in the form attached hereto as **Exhibit D** shall be executed by Developer and recorded with said Registry of Deeds and registered with the Land Registration Office at said Registry of Deeds upon approval of the MUOD Amendment by the Attorney General, without modification.

6. Effect; Amendment. This Agreement shall not take effect until approved and executed by the Board of Selectmen of the Town of Wayland. Upon such approval, this Agreement shall not be amended in any material respect except by a further approval of the Board of Selectmen.

7. Required Notices. Unless otherwise specified in this Agreement, any notice to be given under this Agreement shall be in writing and signed by the party (or the party's attorney) and shall be deemed to have been given (a) when delivered, if delivered by hand, or (b) two business days after the date mailed, if mailed by registered or certified mail, all charges prepaid, in either event addressed as follows:

in the case of the Town, to:

Wayland Board of Selectmen
Wayland Town Building
41 Cochituate Road
Wayland, MA 01778-2614
Attn: Frederic E. Turkington, Jr. (Town Administrator)
FAX 508-358-3627

with copy to Town Counsel:

Mark J. Lanza, Esq.
9 Damonmill Square
Concord, MA 01742
FAX 978-369-9916

and in the case of the Developer to:

Twenty Wayland, LLC
c/o KGI Properties, LLC
45 Broad Street, 4th Floor
Boston, MA 02109
Attn: Charles R. Irving, III
FAX 617-357-9900

with a copy to:

Dean F. Stratouly
c/o The Congress Group, Inc.
33 Arch Street
Boston, MA 02110
Tel No. (617) 897-7200
Fax No. (617) 789-77201

and a copy to:

Adam N. Weisenberg, Esq.
Goodwin Procter LLP
Exchange Place
Boston, MA 02109
Tel. No. (617) 570-1473
Fax No. (617) 227-8591

By such notice, either party (or such party's attorney) may specify a new address, which thereafter shall be used for subsequent notices.

8. Default and Notice.

a. **By Developer.** If Developer shall default in the performance of any term, covenant or condition of this Development Agreement, which default shall continue for more than thirty (30) days after written notice to Developer (or if such default shall be reasonably expected to take more than thirty (30) days to cure, said longer period of time), Wayland shall have the right to (i) terminate this Development Agreement; (ii) withhold any Approvals issued by Wayland; or (iii) exercise any other remedy available at law or in equity, including commencing an action for specific performance. Wayland agrees that if, within ten (10) days after Developer's receipt of a notice of a claim of default, Developer shall give notice to Wayland that Developer contests the same, then Wayland shall not have the right to exercise any of the foregoing rights in respect thereto until such claim shall have been finally adjudicated in such contest. Developer agrees to diligently prosecute any such contest and if such adjudication is in favor of Developer, then Developer shall be reimbursed its reasonable legal fees and other expenses in prosecuting such contest by Wayland; if such matter is determined adversely to Developer, Developer shall have thirty (30) days (or such longer period of time as shall be reasonable under the circumstances) to effect such cure and in addition thereto, Developer shall reimburse Wayland its reasonable legal fees and other expenses in defending any such contest.

b. **By Wayland.** If Wayland shall default in the performance of any term, covenant or condition of this Development Agreement, which default shall continue for more than thirty (30) days after written notice to Wayland (or if such default shall be reasonably expected to take more than thirty (30) days to cure, said longer period of time), Developer shall have the right to (i) terminate this Development Agreement; or (ii) exercise any other remedy available at law or in equity, including commencing an action for specific performance.

9. Effective Date of Agreement. This Development Agreement shall be effective as of the date it shall be executed by both Developer and Wayland.

10. Dispute Resolution. Prior to the initiation of any court proceeding regarding the terms of this Agreement or performance thereunder, Wayland and the Developer agree that such disputes shall be first subject to nonbinding arbitration or mediation, for a period not longer than ninety (90) days.

11. Applicable Law; Construction.

a. This Development Agreement shall be deemed to have been executed within the Commonwealth of Massachusetts, and the rights and obligations of the parties hereto shall be construed and enforced in accordance with, and governed by, the laws of the Commonwealth of Massachusetts.

b. This Development Agreement is the entire agreement among the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous oral and written agreements and discussions.

Executed under seal as of the date first above written.

Town of Wayland

By:_____
Selectman Michael L. Tichnor, Chair

By:_____
Selectman Joseph F. Nolan, Vice Chair

By:_____
Selectman Douglas J. Leard

By:_____
Selectman Alan J. Reiss

By:_____
Selectman William D. Whitney

Approved as to form:

_____
Mark J. Lanza, Town Counsel

Twenty Wayland, LLC

By:_____
Charles R. Irving, III

Its Duly Authorized Director; and

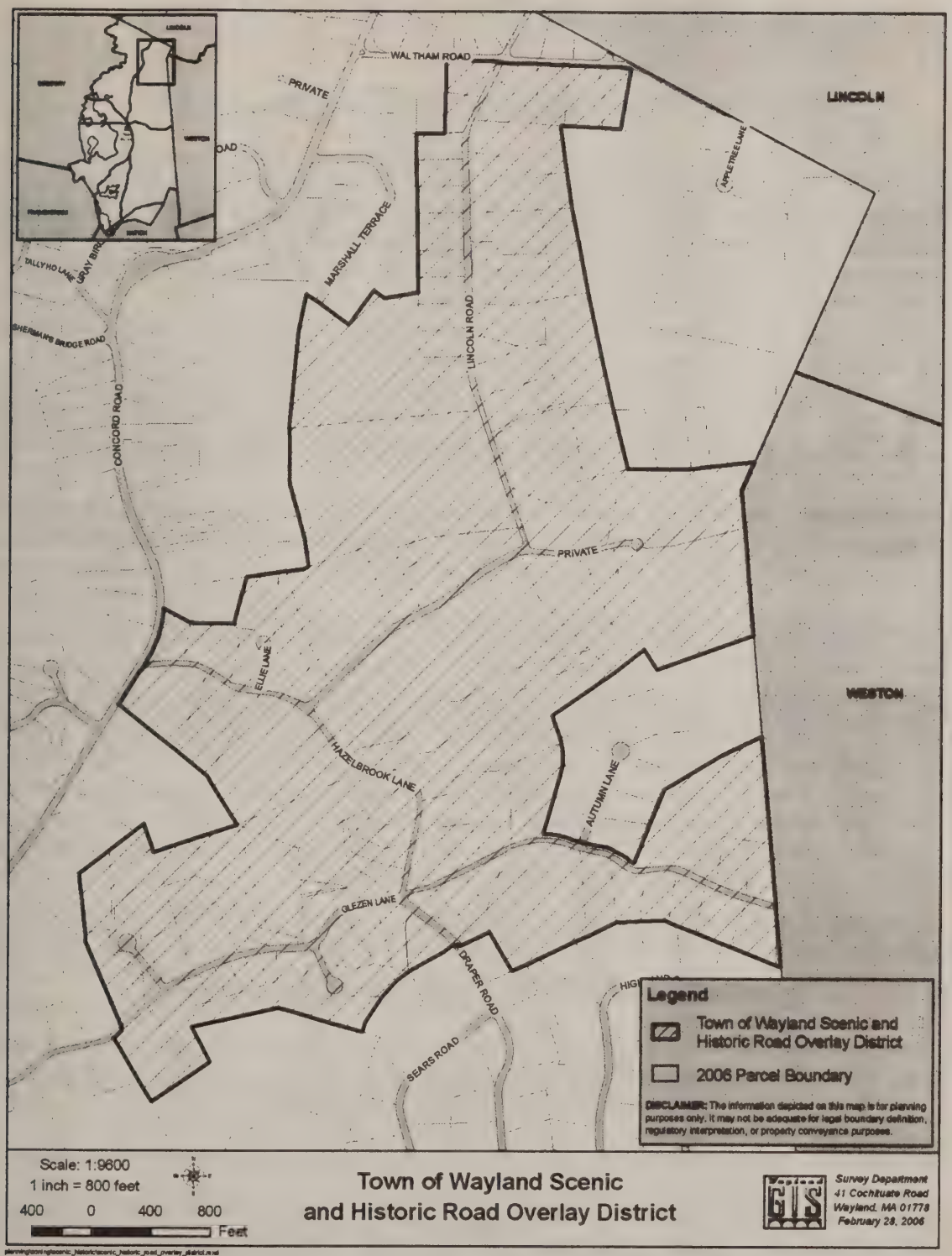
By:_____
Dean P. Stratouly

Its Duly Authorized Director

APPENDIX G

LINCOLN
SUDBURY
WESTON
FRAMINGHAM
NATICK
OLD SUDBURY ROAD
BOW ROAD
23-052B
#0
19079 sq. ft.
23-052F
#400
3354 sq. ft.
23-052C
#400
1520244 sq. ft.
23-052
#400
944642 sq. ft.
BOSTON POST ROAD
Sudbury River
PELHAM ISLAND ROAD
Legend
2005 Parcels
Mixed-Use Overlay District (MUOD)
DISCLAIMER: The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition, regulatory interpretation or property conveyance purposes.
Scale: 1:4800
1 inch = 400 feet
200 0 200 400
Feet
Town of Wayland
Mixed-Use Overlay District (MUOD)
Wayland, Massachusetts
Survey Department
41 Cochituate Road
Wayland, MA 01778
\Planning\Zoning\mixed_use_overlay_district.mxd
September 6, 2005

APPENDIX H


WALTHAM ROAD
PRIVATE
LINCOLN
APPLETREE LANE
MARSHALL TERRACE
TALLYHO LANE
GRAY BIRCH
SHERMAN'S BRIDGE ROAD
CONCORD ROAD
LINCOLN ROAD
PRIVATE
WESTON
ELLIE LANE
HAZELBROOK LANE
AUTUMN LANE
GLEZEN LANE
DRAPER ROAD
SEARS ROAD
Legend
Town of Wayland Scenic and Historic Road Overlay District
2006 Parcel Boundary
DISCLAIMER: The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition, regulatory interpretation, or property conveyance purposes.
Scale: 1:9600
1 inch = 800 feet
400 0 400 800
Feet
Town of Wayland Scenic and Historic Road Overlay District
GIS
Survey Department
41 Cochituate Road
Wayland, MA 01778
February 28, 2006

APPENDIX I

PLANNING BOARD REPORTS FOR 2006 ANNUAL AND SPECIAL TOWN MEETING

WARRANT ARTICLES

In accordance with Massachusetts General Laws Chapter 40A, Section 5, the Planning Board is submitting a report with recommendations on each of the proposed Zoning Amendments contained in Annual Town Meeting Warrant Articles 21 and 22; and Special Town Meeting Warrant Article 11. Planning Board reports for Special Town Meeting Warrant Articles 2 and 3 will be provided at a future date.

For any questions or information, contact the Planning Department at 508-358-3615.

Planning Board Report on Annual Town Meeting Warrant Article 21

An article to amend Chapter 198, Article 22 of the Zoning Code of the Town of Wayland by replacing the period "." after the numbers "22" and replacing it with the a zero "0" for all instances within Article 22.

The Planning Board held its public hearing as required by law on February 21, 2006.

The purpose of the proposed article is to bring the enumeration of Article 22 into conformance with the rest of the zoning bylaw. The article changes the "." which follows the numbers "22" into a "0" for all instances through the bylaw. The article is administrative in nature.

No other comments were received at the public hearing.

The Planning Board unanimously recommends passage of the article.

See Attachment #1 for existing bylaw language.

Planning Board Report on Annual Town Meeting Warrant Article 22

An article to renumerate Chapter 198, Article 15A. of the Zoning Code of the Town of Wayland by making the following deletions (indicated in ~~strikethrough lettering~~) and insertions (indicated in underlined lettering) indicated in the following :.

The Planning Board held its public hearing as required by law on February 21, 2006.

The purpose of the proposed article is to bring the enumeration of Article 15A into conformance with the rest of the zoning bylaw. The article changes numbering scheme for the section entitled "Attachment 1" , which was approved at the Fall 2005 Special Town Meeting.

No public comment was received at the hearing.

The Planning Board voted unanimously to support the article.

See Annual Town Meeting Article 22 for existing bylaw language.

Planning Board Report on Special Town Meeting Warrant Article 11

An article to amend Chapter 198 of the Code of the Town of Wayland, the Zoning By-Laws, by adding a inserting under section 198-302.1.7 thereof the following new section 198-302.1.8; adding said Scenic and Historic Road Overlay District to the Zoning Map referenced in Article 3 thereof (See Map at Appendix H); and amend the Zoning By-Laws, Chapter 198, of the Code of the Town of Wayland, by adding the following new Article 24 entitled Scenic and Historic Road Overlay District:

The Planning Board held its public hearing as required by law on March 16, 2006.

Article 24 creates a new Scenic and Historic Road Overlay District (SHROD) and places a section of northeast Wayland, known as the Hazel Brook Watershed, into the District. The SHROD can be applied elsewhere in Wayland by placing land areas in the District by a two thirds vote at Town Meeting.

The bylaw protects a 25-foot buffer of land along the sides of some roads in the District by defining approved and regulated activities within the buffer. The twenty-five (25) foot buffer was set to be less than the thirty (30) foot front yard setback for that zoning district. Planning Board approval is required for regulated activities.

The Hazel Brook Watershed is an area reflective of the semi-rural quality of our community that is a characteristic of Wayland that is sought to be preserved, as described in the Wayland Master Plan. Its roads are the historic portal between Wayland and the semi-rural and open farming lands to our North and East. The woodlands and open space along its roads create landscapes, vistas and recreational resources available for all to enjoy.

The proposed amendment would protect the scenic vistas along scenic roads within the Hazel Brook Watershed. Furthermore, the SHROD would help to reduce the visual impact of roadside development in wooded areas and to preserve the canopy of mature trees over many of District's scenic roads.

The application of the Scenic and Historic Road Overlay District in the Hazel Brook Watershed is designed to encourage the responsible development of this scenic area and not infringe on the rights and desires on homeowners wishing to maintain and improve their property consistent with the positive values that already exist in the neighborhood.

Public Comments

The following is a brief summary of comments that were received from the public during public meetings, hearings, forums, and in written submissions.

Supporters of the Zoning By-Law have noted

Supporters endorse the SHROD because it serves to protect and preserve scenic vistas along scenic and historic roads within the Hazel Brook Watershed.

The SHROD bylaw would limit the amount of clear cutting developers could do when building new homes and subdivisions.

The SHROD is in keeping with the Master Plan.

The Bylaw provides guidance to the Zoning Board of Appeals to help preserve the neighborhood characteristics that residents want to protect.

One resident stated that he wished the bylaw had been in effect when the house he purchased was built over 10 years ago by a developer that had clear cut the land. The resident had to plant numerous trees and bushes to replace the vegetation cut down by the developer.

The SHROD bylaw does not prevent planting, plant husbandry and care, but preserves trees, stone walls.

Opponents of the Zoning By-Law have noted

Opponents perceive that the SHROD bylaw limits the ability of property owners to perform basic landscaping or use their property as they see fit and creates a process that requires Planning Board approval before certain maintenance and landscaping activities can take place.

Some residents perceive that the bylaw will require plot plans to be drawn up by surveyors at the expense of the property owner.

Open space is private land and there isn't that much developable land within the District.

The SHROD bylaw would limit the amount of clear cutting developers could do when building new homes and subdivisions.

Key Elements of the SHROD Bylaw

Purpose

The purposes of the Scenic and Historic Road Overlay District (hereinafter referred to as the "SHROD") include but are not limited to:

A. preserving the woodlands and open space which contribute to the rural landscape and vistas along the ways of Wayland within the SHROD;

B. maintaining the semi-rural character of Wayland;

C. protecting and enhancing the scenic and historic features of the SHROD;

D. promoting, as mutually compatible objectives, reasonable use of land and protection of natural resources and scenic views; and

E. recognizing the value of rural landscape and vistas.

What Roads are Included in the SHROD as Protected Roads

Scenic roads within the Hazel Brook District (parts of Draper Road and Glezen Lane, Hazelbrook Lane, Lincoln Road) and Folsoms Pond Road and Peartree Lane which opted into the SHROD. Roads created after the District is established will also have protected road sides.

How the SHROD Bylaw Works/Approval Process

Before beginning any regulated activities (Please see below for a listing of approved and regulated activities.) within the scenic buffer the applicant must apply for a permit from the Planning Board by submitting:

1. a plan (for example, a sketch on a plot plan) acceptable to the Planning Board showing the proposed activity, and all stone walls, the location of all trees, the boundary of wetlands,

prominent rocks, and other natural features within the scenic buffer and the boundaries of any Ways;

2. any documents, photographs or graphics that depict existing trees, structures, topography, large shrubbery, stone walls and fences within the scenic buffer in which the applicant proposes to conduct a regulated activity and the adjacent side of a way and immediately surrounding area of the affected lot within fifty (50) feet of the scenic buffer;
3. any mitigation and restoration plans for the scenic buffer as required by the Planning Board;
4. the text of the notice of the public hearing that identifies the location and nature of the proposed activity in reasonable detail; and
5. a statement that all other Town boards or commissions that may have jurisdiction over some or all of the proposed activity have been consulted and that appropriate applications for relief have or will be made.

The application paperwork, in many instances, can be drawn up using a tape measure, a camera and the plot plan available when the property was purchased by the applicant.

Development Standards

The following site planning standards will be applied by the Planning Board in its review and approval or disapproval of regulated activities within the scenic buffer:

1. A strip of natural vegetation within the scenic buffer shall be retained along the way (e.g., a road, street, public way or right of way) to reduce the visual and other impacts of roadside development in wooded areas and to preserve the canopy of mature trees in the SHROD.
2. Before beginning any regulated activities, the property owner must submit an application to the Planning Board for its review and determination that the proposed regulated activity will preserve to the maximum extent feasible and not impair the scenic, ecologic and historic features, which are to be protected in the SHROD.
3. Stone walls shall not be removed from the scenic buffer without Planning Board approval except for the construction of a driveway of minimum feasible width under applicable Town of Wayland bylaws and regulations or for construction of a road, common driveway or other common access to two or more lot under approval of the Planning Board as part of a subdivision, a cluster development or any other bylaw or regulation.
4. No new structure and no expansion of an existing footprint of a structure shall be permitted within the scenic buffer.

Allowed Activities

The following activities are allowed within the scenic buffer without coming before the Planning Board:

1. Ordinary plant husbandry, yard work, mowing and trimming.
2. Removal of dead or diseased limbs necessary to maintain the health of a tree, to contain noxious weeds and/or vines.
3. Planting of trees, shrubbery, flowers and other plant material.
4. Repairs to an existing structure.
5. Reconstruction of structures within the scenic buffer that may be damaged by a casualty

6. Installation, repair, or replacement of a mailbox conforming to the rules and regulations of the United States Postal Service.
7. Gaps in stone walls are allowed at the minimum feasible width to allow access for a driveway or a road approved under the Town's subdivision regulations.
8. Activities permitted under an approved Forest Management Plan, Natural Resource Conservation Service Agricultural Plan or agricultural uses on parcels of land of more than five acres as specified in MGL c. 40A Section 3.

Regulated Activities

The following activities within the scenic buffer require prior approval from the Planning Board:

1. Any construction, reconstruction, alteration, expansion or structural change of a structure within a scenic buffer with the exception of repairs to existing structures or reconstruction of structures damaged by a casualty.
2. Cutting or removal of trees or the replacement of trees within a scenic buffer.
3. Removal of an undesirable tree (e.g., a tree deemed by a certified arborist, landscape architect or Tree Warden to be an invasive species or has grown in a manner that does not add scenic value to the district).
4. Any cutting or removal of trees (e.g., the removal of one or more trees, trimming of branches, cutting of roots, or grading or filling sufficient to impair the viability of a tree) within the bounds of a scenic road or a scenic road within the SCHROD.

Planning Board Comments:

According to Massachusetts Audubon Society *40 acres of open space are developed every day*. The Scenic and Historic Road Overlay District Bylaw (SHROD) protects what makes Wayland special for the many residents who moved to town for its scenic vistas of meadows, woodlands and farmland. By creating a scenic buffer, the SHROD preserves stonewalls dating from colonial days and mature tree canopies. Residents can plant trees, shrubbery, flowers and other plant material within the scenic buffer. Within the scenic buffer, repair to existing structures or reconstruction of structures due to casualty is also allowed. Residents can perform plant husbandry to trim dead or diseased branches. Regulated activities, such as removal of trees in the scenic buffer, require a simple approval from the Planning Board. The site plan can be drawn up using a tape measure, a camera and the plot plan available when the property was purchased by the applicant.

Planning Board Recommendation:

The Planning Board recommends for the article, by a vote of 5 to 0

See Appendix H for Map.

ATTACHMENT #1
EXCERPTS FROM THE ZONING BYLAW
FOR ARTICLE 21

ARTICLE 22
INCLUSION OF AFFORDABLE HOUSING

22.1 Purpose and Intent

22.1.1. The purpose of this article is to increase the supply of housing in the Town of Wayland that is available to and affordable by low income and moderate income households who might otherwise have difficulty in finding homes in Wayland, and to ensure that such housing is affordable over the long-term and provided in accordance with the requirements of Massachusetts General Laws Chapter 40B and its implementing regulations, the Wayland Comprehensive Permit Policy, the Wayland Master Plan, and other ongoing programs within the Town of Wayland. In those cases where this article may conflict or be inconsistent with other sections of the Town of Wayland's Zoning By-Laws, except as otherwise expressly provided herein, the provisions of this article shall be controlling.

22.1.2. It is intended that the AFFORDABLE DWELLING UNITS authorized under the provisions of this Bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same established by the Commonwealth of_Massachusetts Department of Community Affairs, Department of Housing and Community Development (DHCD), or its successor, or such additional programs adopted by the Commonwealth or its agencies, and that said units shall be included in the Town's_Inventory of Subsidized Housing under Massachusetts General Laws Chapter 40B, Sections 20 through 23, as amended.

22.2 Administration

22.2.1 The Planning Board shall be designated as the Special Permit Granting Authority (SPGA) under this article.

22.2.2. The Planning Board shall adopt and maintain a set of regulations that contains the necessary policies, definitions, fee structures, procedures, and requirements to implement the provisions of this article.

22.3 Applicability

22.3.1. Multiple Units. The construction of six (6) or more dwelling units, whether on one or more contiguous parcels, shall require a special permit from the Planning Board, including the construction of six (6) or more dwelling units in a Conservation Cluster Development District pursuant to a special permit issued by the Planning Board under Article 18 of the Town's Zoning By-Laws . Whenever a special permit is issued under this article for a development in a Conservation Cluster Development District, the Planning Board shall issue a single special permit pursuant to this article and said Article 18.

22.3.2. Developments shall not be segmented to avoid compliance with this article. Segmentation shall mean one or more divisions of land that cumulatively result in an increase by five or more residential lots or dwelling units above the number existing

thirty-six months earlier on any parcel or on contiguous parcels of land that were in common ownership on or after the effective date of this article.

22.4. Calculation of Affordable Dwelling Units

22.4.1 In any development subject to this article, a minimum of 16.7% of the units in the development shall be affordable. Nothing in this section shall preclude a developer or landowner from creating more affordable housing units than the minimum required under the provisions of this article.

22.4.2. If, when applying the percentage to the total number of units to determine the number of affordable units, the number of affordable dwelling units results in a fraction, said number shall be rounded to the nearest whole number.

22.5. Allowed types of Affordable Dwelling Units:

22.5.1. Single-family Dwellings;

22.5.2. Single-Family Dwellings with Accessory Apartments;

22.5.3. Multi-Family Dwellings which are designed to be consistent in character with the single-family dwellings in the same development. Such multi-family dwellings may be allowed provided:

22.5.3.1. in terms of exterior appearance, the building is compatible in design and, to the extent practicable, indistinguishable from the single-family dwellings in the same development; and

22.5.3.2. there shall be no more than four (4) attached dwelling units in any building.

22.5.4. Accessory uses and structures incidental to principal uses indicated above and approved by the Planning Board.

22.6. Eligibility Standard

Affordable rental or ownership units developed under this article shall serve low-income households. A low-income household is defined as having a total household or family income of not more than eighty (80) percent of the median income for the Boston Standard Metropolitan Statistical Areas, as set forth in regulations promulgated from time to time by the U.S. Department of Housing and Urban Development, or by a similar federal agency created to replace it, as adopted by DHCD or its successor.

22.7 Affordability Requirements

22.7.1. Duration of affordability: Affordable dwelling units shall be subject to restrictions that shall preserve their affordability, in perpetuity, to the extent legally possible,; but in no case less than 50 years.

22.7.2. Maximum rental price: Rents for affordable units, excluding utilities (gas, heat, water, electricity, etc.) shall not exceed thirty (30) percent of the targeted annual gross household income, as determined by DHCD. Specific prices shall be determined by the state or federal funding source, if applicable, and are subject to approval by the Wayland Housing Partnership or its successor authority or agency.

22.7.3. Maximum sales price: Housing costs, including monthly housing payments, principal and interest payments, real estate taxes, and insurance, shall not exceed 30 percent of the targeted gross household income. Specific prices shall be determined by the state or federal funding source, if applicable, and are subject to approval by the Wayland Housing Partnership or its successor authority or agency.

22.7.4. Resale prices: Subsequent resale prices shall be determined based on a percentage of the median income for the Boston Standard Metropolitan Statistical Area at the time of resale as determined by the U.S. Department of Housing and Urban Development and adopted by DHCD. The formula for the resale price shall be defined in the Planning Board's rules and regulations for the implementation of this article and shall be established in order to assure that the target income groups' ability to purchase will be commensurate with the unit's market appreciation and to provide a reasonable return on equity to the seller.

22.7.5. Marketing plan: The affordable dwelling units must be rented or sold using marketing and selection guidelines approved by the Wayland Housing Partnership, or its successor authority or agency ,and in accordance with DHCD guidelines.

22.7.6. Preference for Wayland-related residents and Town Employees: Not fewer than 70 percent of the affordable dwelling units shall be initially offered to Wayland-related residents and employees of the Town of Wayland, unless prohibited by a federal or state agency under a financing or other subsidy program.

22.7.7. Right of first refusal to purchase: The purchaser of an affordable dwelling unit developed pursuant to this article shall agree to execute a deed rider prepared by the Town, consistent with affordable housing deed riders promulgated by DHDC granting, among other things, the Town a right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

22.8. Development Standards

22.8.1 Location of affordable dwelling units: Affordable dwelling units shall be provided on-site unless the Planning Board allows an alternative method of compliance (See Section 22.9 below). Location of affordable dwelling units shall be approved by the Planning Board.

22.8.2. Comparability: Affordable dwelling units shall be externally indistinguishable from market rate units in the same development, to the extent possible. Affordable dwelling units should be comparable to market rate units in terms of location, quality, and character.

22.8.3. Unit size: It is preferable that affordable dwelling units contain at least two bedrooms.

22.8.4. Rights and privileges: The owners or renters of affordable dwelling units shall have all rights, privileges, and responsibilities accorded to market-rate owners or renters, including access to all non-fee amenities within the development.

22.9. Alternative Methods of Compliance

22.9.1. In exceptional circumstances, the Planning Board may consider an alternative method of compliance. In granting such exception, the Planning Board must find that the developer or landowner has demonstrated that building the required affordable dwelling units on-site would create a significant hardship or that such alternate method of compliance is in the best interests of the Town. A significant hardship shall be defined as being of such significance that the property cannot physically accommodate the required affordable dwelling units and/or related requirements, such as height, setbacks, or parking. Hardship shall not be considered due to financial or marketing considerations. The burden of proof shall be on the developer or landowner, who must make full disclosure to the Planning Board of all relevant information.

22.9.2. Except as set forth below, affordable dwelling units provided through an alternate method shall comply in all other respects with the requirements of this article. The Planning Board may consider the following alternative methods of compliance or combination of methods, in order of preference by the Town:

22.9.2.1. Construction on a site different than the one subject to the Special Permit that is (1) suitable for residential development within the Town of Wayland, (2) adds to the Town's stock of affordable housing, and (3) is comparable in quantity, quality, size, and type. Affordable off-site dwelling units may be located within an existing structure.

22.9.2.2. An applicant may offer, and the Town, with the approval of the Planning Board and, the Board of Selectmen, may accept donations of land in fee simple, on or off-site, that the Planning Board determines are suitable for the construction of an equivalent number of affordable dwelling units. The Planning Board may require, prior to acceptance of land by the Town, satisfaction of the requirements of this article, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of its value.

22.9.2.3. Developers and landowners may make a monetary payment to the Town to be used only for the purposes of providing housing affordable to low-income households, as defined by this article.

22.9.2.3.1. For ownership developments, the financial contribution for each affordable unit shall be equal to the then current cost of construction of an affordable dwelling unit as further defined in the Planning Board rules and regulations for this article. In order to include the value of the land, the financial contribution for each affordable dwelling unit shall also include an amount equal to the current year's assessed value

of the land divided by the total number of units proposed, multiplied by the total number of affordable units.

22.9.2.3.2. For rental units, the financial contribution for each affordable unit shall be equal to the difference between the average market rental price for market-rate units in the subject development or the median market rate rent for the Boston Standard Metropolitan Statistical Area, which-ever is greater, and the rent affordable to a four-person low-income household as defined by this article, calculated over a term of 10 years, as further defined by the Planning Board rules and regulations for this article. The financial contribution for each affordable dwelling unit shall also include an amount equal to the current year's assessed value of the land divided by the total number of units proposed, multiplied by the total number of affordable dwelling units or an amount sufficient to purchase an affordable housing deed restriction on a comparable rental property, which-ever is greater.

22.9.2.3.3. For fractional affordable dwelling units, the applicant shall round up to the next whole number of units or choose to pay equivalent fees-in-lieu of units (see Section 22.4 above) proportionate to the percentage of the unit required.

22.9.2.3.4. Preservation of existing dwelling units as affordable dwelling units through the purchase of deed restrictions.

22.9.2.4. Prior to the issuance of a final certificate of occupancy for any portion of the project, the contribution shall be payable in full, or a written agreement approved by the Planning Board and the Wayland Housing Partnership, or successor authority or agency, must be recorded and filed with the Town Treasurer.

22.10. Enforcement

22.10.1 Legal Restrictions: Affordable dwelling units shall be rented or sold subject to deed restrictions, restrictive covenants, contractual agreements, and/or other mechanisms restricting the use and occupancy, rent levels, and sales prices of such units to assure their affordability. All restrictive instruments shall be subject to review and approval by the Wayland Housing Partnership, or successor authority or agency, the Planning Board and Town Counsel and shall be recorded with the Middlesex South Registry of Deeds prior to the commencement of construction. All condominium documents and fees shall be subject to review and approval by the Wayland Housing Partnership and Town Counsel.

22.10.2 Timing of Commitments: All contractual agreements with the Town and other documents necessary to ensure compliance with this Bylaw shall be executed prior to and as a condition of the issuance of any approval required to commence construction.

22.10.3 Timing of Construction: As a condition of the issuance of a special permit under this article, the Wayland Housing Partnership, or successor authority or agency, may set a

time schedule for the construction of both affordable and market-rate units. No certificate of occupancy shall be issued for any market-rate units in a development subject to the requirements of this article until 25 percent of the affordable dwelling units required to be constructed have been issued a certificate of occupancy. No certificate of occupancy shall be issued to more than 75 percent of the market-rate units until 100 percent of the affordable dwelling units required to be constructed have obtained a certificate of occupancy.

22.11. Severability:

22.11.1 If any provision of this article is held invalid by a court of competent jurisdiction, the remainder of this article shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Town's Zoning By-Laws.

★★★★★★★★★

You are required to serve this Warrant by posting copies thereof, attested by you, at the Town Building, at the Public Library in Wayland Center, at the Cochituate Fire Station or the Cochituate Post Office, and at the Happy Hollow School, and by mailing or delivering a copy thereof addressed to each residence in the Town fourteen (14) days, at least, before the time appointed for the Annual and Special Town Meeting.

Hereof, fail not and deliver this Warrant with your return thereon to the Town Clerk on or before April 11, 2006.

Given under our hands and seals this 10th day of April, 2006.

Douglas J. Leard

Joseph F. Nolan, Vice Chair

Alan J. Reiss

Michael L. Tichnor, Chair

William D. Whitney

Selectmen of the Town of Wayland

Charles R. D'Ambrosio

Karl A. Geiger

Cherry C. Karlson, Vice Chair

Robert L. Lentz

Sam H. Peper

G. Christopher Riley, Chair

Richard M. Stack

Finance Committee

VOLUNTEER TO SERVE YOUR TOWN

Vacancies on Town boards, committees and commissions occur from time to time. Most positions are appointed by the Board of Selectmen (see I).

Elected positions are usually filled at the annual April election, but if openings occur mid-term, they are filled by appointment until the next annual election. Registered voters, please indicate your interest in order of preference (see II):

I. Appointed boards, committees and commissions:

- ☐ Cable TV
- ☐ Cochituate State Park Advisory
- ☐ Community Preservation
- ☐ Conservation
- ☐ Council on Aging
- ☐ Cultural Council
- ☐ Dudley Pond Area Planning
- ☐ Fair Housing
- ☐ Finance
- ☐ Historical
- ☐ Historic District
- ☐ Housing Partnership
- ☐ Local Access Corporation
- ☐ MetroWest Open Space
- ☐ MWRA/Weston Aqueduct
- ☐ Nike Site Reuse Advisory
- ☐ Personnel
- ☐ Public Ceremonies
- ☐ Senior Tax Relief
- ☐ Septage Committee
- ☐ Station Two
- ☐ Surface Water Quality
- ☐ Taxation Aid
- ☐ Town Center Committee
- ☐ Wastewater Management
- ☐ Wayland/Sudbury Septage
- ☐ Youth Advisory
- ☐ Zoning Board of Appeals

II. Elected boards, committees and commissions:

- ☐ Assessors
- ☐ Health
- ☐ Housing Authority
- ☐ Library Trustees
- ☐ Park and Recreation
- ☐ Planning
- ☐ Road Commission
- ☐ School
- ☐ Selectmen
- ☐ Trust Funds
- ☐ Water

NAME:_____ ADDRESS:_____

HOME TEL:_____ WORK TEL:_____

Applications of interest will be kept on file for one year. You will be contacted as relevant vacancies occur.

Return this completed form to:

Town Administrator
Town of Wayland
41 Cochituate Road
Wayland MA 01778

PLACE
STAMP
HERE

Board of Selectmen
Town of Wayland
41 Cochituate Road
Wayland MA 01778

TOWN OF WAYLAND
Board of Selectmen
41 Cochituate Road
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